



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXVIII
March 1, 2006

NUMBER 18
Pages 1305 to 1348

CONTENTS IN THIS ISSUE

Pages 1320 to 1346 include **ARC 4910B** to **ARC 4944B**

AGENDA

Administrative rules review committee 1310

ALL AGENCIES

Schedule for rule making 1308
 Publication procedures 1309
 Administrative rules on CD-ROM 1309
 Agency identification numbers 1318

CITATION OF ADMINISTRATIVE RULES 1307

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"
 Notice, Requirements for a Class G license,
 14.132 **ARC 4940B** 1320
 Notice, Substitute authorization, 14.143
ARC 4939B 1320
 Filed, Testing requirement—applicants from
 recognized non-Iowa institutions, 14.103,
 14.115, 14.120(1) **ARC 4937B** 1338
 Filed, Teacher librarians—terminology and
 practice, 14.140 **ARC 4938B** 1338

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"
 Filed, List of major water sources—technical
 corrections and additions, 65.11(2),
 ch 65 Table 1 **ARC 4921B** 1338

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Filed, Voluntary registration, 4.1(1)"a,"
 4.11 **ARC 4919B** 1339
 Filed, Resolution of "paid for by" violation,
 4.41(1) **ARC 4918B** 1339
 Filed, Sales by regulatory agency officials or
 employees, 6.11 **ARC 4920B** 1340

HUMAN SERVICES DEPARTMENT[441]

Notice, Provider of rehabilitative treatment services—
 granting of deemed certification status, 185.1,
 185.11(1) **ARC 4936B** 1321

Filed, State supplementary assistance program—
 annual adjustments to eligibility and payment
 levels, 51.4(1), 51.7, 52.1 **ARC 4934B** 1340
 Filed, Medicaid eligibility and financial
 participation—married person residing in a
 medical institution, 75.5(3)"d," 75.16(2)"d"(3)
ARC 4935B 1340

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"
 Filed, Electronic delivery of accident and
 health group insurance certificates, 40.25
ARC 4941B 1341

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]"umbrella"
 Notice, State housing trust fund, 19.1, 19.2
ARC 4926B 1322
 Filed Emergency After Notice, Title guaranty
 division, 9.3, 9.6(4) **ARC 4925B** 1337

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Notice, Benefits advisory committee membership
 organizations; new contribution rates for special
 service members; updating of citations to Iowa
 Code, amendments to chs 1 to 12, 14, 15, 17,
 19, 22, 26, 30 **ARC 4927B** 1323

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"
 Notice, OSHA regulations, 26.1 **ARC 4943B** 1326
 Filed, OSHA regulations, 10.20 **ARC 4942B** 1341
 Filed, Platform lifts with roped hydraulic
 pistons, 71.2(2)"c," 72.1, 73.8, 76.4(1),
 76.7 **ARC 4944B** 1342

LATINO AFFAIRS DIVISION[433]

HUMAN RIGHTS DEPARTMENT[421]"umbrella"
 Notice and Notice Terminated, Qualification of
 language interpreters, ch 2 **ARC 4930B** 1326

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"
 Notice, Shovelnose sturgeon—Mississippi River,
 82.2 **ARC 4922B** 1330

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

Subscriptions and Distribution	Telephone:	(515)281-6766
	Fax:	(515)281-6625
 KATHLEEN K. WEST, Administrative Code Editor	Telephone:	(515)281-3355
STEPHANIE A. HOFF, Deputy Editor	Fax:	(515)281-8157 (515)281-5534

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

July 1, 2005, to June 30, 2006	\$320
October 1, 2005, to June 30, 2006	\$240
January 1, 2006, to June 30, 2006	\$160
April 1, 2006, to June 30, 2006	\$ 80

Single copies may be purchased for \$23.

Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets by subscription. Supplement (replacement pages) subscriptions must be for the complete year and will expire on June 30 of each year.

Prices for the Iowa Administrative Code and its Supplements are as follows:

Iowa Administrative Code – \$1,475

(Price includes complete set of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. Additional or replacement binders may be purchased for \$20.)

Iowa Administrative Code Supplement – \$495

(Subscription expires June 30, 2006)

All checks should be made payable to the Treasurer, State of Iowa. Send all inquiries and subscription orders to:

**Attn: Nicole Navara
Legislative Services Agency
Miller Building
Des Moines, IA 50319
Telephone: (515)281-6766**

NATURAL RESOURCE COMMISSION[571] (Cont'd)
 Filed, Nonresident deer hunting, 94.1, 94.6,
 94.7(3), 94.8 **ARC 4924B** 1342
 Filed, Nuisance wildlife control, ch 114
ARC 4923B 1343

PROFESSIONAL LICENSURE DIVISION[645]
PUBLIC HEALTH DEPARTMENT[641]"umbrella"
 Notice, Barbers—competency examination, 20.1,
 25.5 **ARC 4915B** 1330
 Notice, Marital and family therapists and mental
 health counselors—retention of licensure
 overpayments, 30.1 **ARC 4933B** 1331
 Notice, Cosmetology—retention of licensure
 overpayments, 59.1 **ARC 4913B** 1332
 Notice, Hearing aid dispensers—competency
 examination, 120.1, 124.5 **ARC 4914B** 1332
 Notice, Psychologists—retention of licensure
 overpayments, 239.1 **ARC 4916B** 1333
 Filed, Barbers—license fees, 21.16(3), 25.2(26),
 26.1 **ARC 4912B** 1343
 Filed, Marital and family therapists and mental
 health counselors—licensee record keeping,
 31.12 **ARC 4932B** 1344
 Filed, Marital and family therapists and mental
 health counselors—competency examination,
 33.5 **ARC 4931B** 1344
 Filed, Cosmetology, amendments to chs 60, 61,
 63, 65 **ARC 4910** 1345

Filed, Cosmetology—competency examination,
 65.6 **ARC 4911B** 1345
 Filed, Psychologists—competency examination,
 240.2(1)"e," 242.5 **ARC 4917B** 1346

PUBLIC HEARINGS
 Summarized list 1314

**REAL ESTATE APPRAISER EXAMINING
 BOARD[193F]**
Professional Licensing and Regulation Division[193]
 COMMERCE DEPARTMENT[181]"umbrella"
 Notice, Registration as associate residential or
 associate general real property appraiser without
 examination, 4.1, 4.2, 4.4(2) **ARC 4929B** 1333

REGENTS BOARD[681]
 Notice, Update of references, rescission of outdated
 rules, additions to comply with legislative changes
 and with updated business practices, rescind ch 6;
 amend chs 8, 10, 17 **ARC 4928B** 1334

TREASURER OF STATE
 Notice—Public funds interest rates 1336

USURY
 Notice 1336

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 2006

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 30 '05	Jan. 18 '06	Feb. 7 '06	Feb. 22 '06	Feb. 24 '06	Mar. 15 '06	Apr. 19 '06	July 17 '06
Jan. 13	Feb. 1	Feb. 21	Mar. 8	Mar. 10	Mar. 29	May 3	July 31
Jan. 27	Feb. 15	Mar. 7	Mar. 22	Mar. 24	Apr. 12	May 17	Aug. 14
Feb. 10	Mar. 1	Mar. 21	Apr. 5	Apr. 7	Apr. 26	May 31	Aug. 28
Feb. 24	Mar. 15	Apr. 4	Apr. 19	Apr. 21	May 10	June 14	Sept. 11
Mar. 10	Mar. 29	Apr. 18	May 3	May 5	May 24	June 28	Sept. 25
Mar. 24	Apr. 12	May 2	May 17	***May 17***	June 7	July 12	Oct. 9
Apr. 7	Apr. 26	May 16	May 31	June 2	June 21	July 26	Oct. 23
Apr. 21	May 10	May 30	June 14	June 16	July 5	Aug. 9	Nov. 6
May 5	May 24	June 13	June 28	***June 28***	July 19	Aug. 23	Nov. 20
May 17	June 7	June 27	July 12	July 14	Aug. 2	Sept. 6	Dec. 4
June 2	June 21	July 11	July 26	July 28	Aug. 16	Sept. 20	Dec. 18
June 16	July 5	July 25	Aug. 9	Aug. 11	Aug. 30	Oct. 4	Jan. 1 '07
June 28	July 19	Aug. 8	Aug. 23	***Aug. 23***	Sept. 13	Oct. 18	Jan. 15 '07
July 14	Aug. 2	Aug. 22	Sept. 6	Sept. 8	Sept. 27	Nov. 1	Jan. 29 '07
July 28	Aug. 16	Sept. 5	Sept. 20	Sept. 22	Oct. 11	Nov. 15	Feb. 12 '07
Aug. 11	Aug. 30	Sept. 19	Oct. 4	Oct. 6	Oct. 25	Nov. 29	Feb. 26 '07
Aug. 23	Sept. 13	Oct. 3	Oct. 18	Oct. 20	Nov. 8	Dec. 13	Mar. 12 '07
Sept. 8	Sept. 27	Oct. 17	Nov. 1	Nov. 3	Nov. 22	Dec. 27	Mar. 26 '07
Sept. 22	Oct. 11	Oct. 31	Nov. 15	***Nov. 15***	Dec. 6	Jan. 10 '07	Apr. 9 '07
Oct. 6	Oct. 25	Nov. 14	Nov. 29	Dec. 1	Dec. 20	Jan. 24 '07	Apr. 23 '07
Oct. 20	Nov. 8	Nov. 28	Dec. 13	***Dec. 13***	Jan. 3 '07	Feb. 7 '07	May 7 '07
Nov. 3	Nov. 22	Dec. 12	Dec. 27	***Dec. 27***	Jan. 17 '07	Feb. 21 '07	May 21 '07
Nov. 15	Dec. 6	Dec. 26	Jan. 10 '07	Jan. 12 '07	Jan. 31 '07	Mar. 7 '07	June 4 '07
Dec. 1	Dec. 20	Jan. 9 '07	Jan. 24 '07	Jan. 26 '07	Feb. 14 '07	Mar. 21 '07	June 18 '07
Dec. 13	Jan. 3 '07	Jan. 23 '07	Feb. 7 '07	Feb. 9 '07	Feb. 28 '07	Apr. 4 '07	July 2 '07
Dec. 27	Jan. 17 '07	Feb. 6 '07	Feb. 21 '07	Feb. 23 '07	Mar. 14 '07	Apr. 18 '07	July 16 '07

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
20	Friday, March 10, 2006	March 29, 2006
21	Friday, March 24, 2006	April 12, 2006
22	Friday, April 7, 2006	April 26, 2006

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. West, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 2.0.0, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

bruce.carr@legis.state.ia.us and
kathleen.west@legis.state.ia.us

2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, Third Floor West, Ola Babcock Miller Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

IOWA ADMINISTRATIVE RULES and IOWA COURT RULES on CD-ROM

2005 SUMMER EDITION

Containing: **Iowa Administrative Code** (updated through July 2005)
Iowa Administrative Bulletins (January 2005 through July 2005)
Iowa Court Rules (updated through July 2005)

For free brochures and order forms contact:

Legislative Services Agency
Attn: Nicole Navara
Miller Building
Des Moines, Iowa 50319
Telephone: (515)281-6766 Fax: (515)281-6625
nicole.navara@legis.state.ia.us

The Administrative Rules Review Committee will hold a special meeting on Monday, March 13, 2006, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Farmers' market nutrition programs, 50.3, 50.8(2)"f," 50.8(7), 50.8(8), 50.9(3), 50.10"3," "20," and "21,"
50.11(2)"a"(3), Notice **ARC 4892B** 2/15/06

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Osteopathic physician recruitment program, 14.1, 14.3(7)"a"(1) to (3), 14.4, Filed **ARC 4870B** 2/15/06
Iowa work-study program, ch 18, Filed **ARC 4869B** 2/15/06
Registered nurse recruitment program, adopt ch 34, Filed **ARC 4868B** 2/15/06

DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Services provided to new patients, 10.3(2) to 10.3(6), Filed **ARC 4905B** 2/15/06
Licensure examinations, 11.2(2)"e," 11.5(2)"e," 12.1, 12.2(5), 12.3, 12.4(1)"a,"
12.4(5), Notice **ARC 4908B** 2/15/06
Continuing education—clinical component required for CPR course, 14.1(4), 14.3(4), 14.5(1)"i,"
25.2(10), Notice **ARC 4907B** 2/15/06
Renewal and reinstatement of deep sedation/general anesthesia and
conscious sedation permits, 29.11, Filed **ARC 4906B** 2/15/06

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Iowa community development block grant program, 23.4(4), 23.4(8),
23.6(3)"e" to "g," Notice **ARC 4879B** 2/15/06

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

Testing required for applicants from recognized non-Iowa institutions, 14.103, 14.115,
14.120(1)"a" and "c," Filed **ARC 4937B** 3/1/06
Requirements for a class G license, 14.132, Notice **ARC 4940B** 3/1/06
Renewal of substitute authorization, 14.143(2), 14.143(3), Notice **ARC 4939B** 3/1/06
Media specialist endorsement—terminology updated, 14.140(8) to 14.140(10), Filed **ARC 4938B** 3/1/06

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Water quality standards—general use classification, 61.2(5), 61.3(1)"a" and "b,"
61.3(2), 61.3(5), Filed **ARC 4897B** 2/15/06
Water quality standards—use designations, 61.3(1)"b"(8) to (13), 61.3(3)"b," 61.3(3)"b"(3)"3,"
61.3(3)"b"(4) and (6), 61.3(3)"d," 61.3(3) tables 1, 2 and 3a, 61.3(5), 61.3(7), Filed **ARC 4895B** 2/15/06
Animal feeding operations, 65.5(3), 65.103(5), Notice **ARC 4898B** 2/15/06
Animal feeding operations—revisions to list of major water sources, 65.11(2), ch 65 table 1,
Filed **ARC 4921B** 3/1/06
Solid waste comprehensive planning, 101.12 to 101.14, 101.14(4), 101.14(5)"a," Filed **ARC 4896B** 2/15/06
Composting of dead livestock, 105.1(2)"b," 105.3(3), 105.5(1), 105.5(3), 105.5(4), 105.6, 105.7(8),
105.8(1), 105.8(2)"g," 105.14(1)"b," 105.14(2), Notice **ARC 4893B** 2/15/06
Regional collection centers and mobile unit collection and consolidation centers;
financial assistance for the collection of household hazardous materials and waste
from small quantity generators, chs 123, 211, Filed **ARC 4894B** 2/15/06

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Voluntary registration of campaign committees, 4.1(1)"a"(4), 4.11, Filed **ARC 4919B** 3/1/06
"Paid for by" attribution statement, 4.41(1), Filed **ARC 4918B** 3/1/06
Sales by regulatory agency officials or employees, 6.11, Filed **ARC 4920B** 3/1/06

HUMAN SERVICES DEPARTMENT[441]

State supplementary assistance program—annual adjustments to eligibility and payment levels,
51.4(1), 51.7, 52.1(1) to 52.1(3), 52.1(3)"a"(2), Filed **ARC 4934B** 3/1/06
Collection of food assistance claims, 65.16, 65.21(1), 65.21(2),
65.28(8)"d," Notice **ARC 4822B** Terminated **ARC 4899B** 2/15/06
Medicaid eligibility and financial participation of a married person residing in
a medical institution, 75.5(3)"d," 75.16(2)"d"(3), Filed **ARC 4935B** 3/1/06
Providers of lead inspection services, 77.40, Notice **ARC 4889B** 2/15/06

HUMAN SERVICES DEPARTMENT[441] (Cont'd)

Infant and toddler program and local education agency providers—certification of nonfederal share of costs of services, 78.1(23), 78.21(3), 78.39(3), 78.49(5)“a” and “c,” 78.50(4)“a” and “c,” <u>Notice</u> ARC 4902B	2/15/06
Distribution of payments to hospitals from graduate medical education and disproportionate share fund, amendments to ch 79, <u>Notice</u> ARC 4901B	2/15/06
Maintenance of records by providers of service, 79.3, <u>Notice</u> ARC 4890B	2/15/06
Child support obligations, 98.24(5), 98.43(2)“e,” 98.45(5), 98.45(6), 98.47, <u>Notice</u> ARC 4900B	2/15/06
Rehabilitative treatment service providers—deemed certification status, 185.1, 185.11(1), <u>Notice</u> ARC 4936B	3/1/06

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Electronic delivery of accident and health group insurance certificates, 40.25, <u>Filed</u> ARC 4941B	3/1/06
---	--------

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]“umbrella”

Title guaranty division—definition of terms applicable to refinanced or junior mortgages, 9.3, 9.6(4), <u>Filed Emergency After Notice</u> ARC 4925B	3/1/06
State housing trust fund—2007 allocation plan, 19.1, 19.2, <u>Notice</u> ARC 4926B	3/1/06

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Benefits advisory committee; contribution rates for special service members, 1.1, 1.2, 2.1“7,” 3.2(1), 3.2(4), 3.2(5), 3.3, 4.6(2), 4.6(3), 4.6(6), 8.5(3)“e,” 17.9(2)“e,” <u>Notice</u> ARC 4927B	3/1/06
---	--------

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Federal occupational safety and health regulations—adoption by reference, 10.20, <u>Filed</u> ARC 4942B	3/1/06
Construction safety and health—federal regulations adopted by reference, 26.1, <u>Notice</u> ARC 4943B	3/1/06
Elevators—safety standards, permits, inspections, 71.2(2)“c,” 72.1(5) to 72.1(7), 73.8, 76.4(1), 76.7, <u>Filed</u> ARC 4944B	3/1/06

LATINO AFFAIRS DIVISION[433]

HUMAN RIGHTS DEPARTMENT[421]“umbrella”

Qualification of language interpreters, ch 2, <u>Notice</u> ARC 4030B <u>Terminated</u> ARC 4930B	3/1/06
Qualification of language interpreters, ch 2, <u>Notice</u> ARC 4930B	3/1/06

LAW ENFORCEMENT ACADEMY[501]

Training requirements for law enforcement officers and jailers, 3.5(2)“n,” 3.5(4)“a,” 3.5(7)“k,” 3.6(1)“e,” 3.6(3)“c,” 3.8(4)“c,” 3.9(1)“b,” 8.1(2), 9.1(1)“a”(1)“1,” 9.1(2), 9.3(1)“a”(1)“1,” 9.3(1)“a”(2), 9.3(2), 10.10, <u>Filed</u> ARC 4863B	2/15/06
---	---------

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Public records—board-ordered dismissal of charges, 2.14(4), <u>Notice</u> ARC 4861B	2/15/06
Mandatory reporting; discipline; contested cases, rescind ch 12; adopt chs 22 to 26, <u>Notice</u> ARC 4871B	2/15/06
Supervision of pharmacists engaged in collaborative drug therapy management, 13.4, 13.5, <u>Notice</u> ARC 4872B	2/15/06

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Commercial fishing—shovelnose sturgeon, 82.2(2), 82.2(8), 82.2(9), <u>Notice</u> ARC 4922B	3/1/06
Nonresident deer hunting, 94.1, 94.6, 94.7(3), 94.8, <u>Filed</u> ARC 4924B	3/1/06
Nuisance wildlife control, ch 114, <u>Filed</u> ARC 4923B	3/1/06

PHARMACY EXAMINERS BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Delegation of functions to pharmacy technicians, 3.21, 7.2, 7.6(2), 7.8(1)“b,” 7.8(3), <u>Notice</u> ARC 4880B	2/15/06
Collaborative drug therapy management, 8.34, <u>Notice</u> ARC 4874B	2/15/06

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Barber examiners—overpayment, clinical competency examination, 20.1, 25.5, <u>Notice</u> ARC 4915B	3/1/06
Barber examiners, 21.16(3)"a"(2), 21.16(3)"b"(3), 25.2(26), 26.1, <u>Filed</u> ARC 4912B	3/1/06
Behavioral science examiners—overpayment, 30.1, <u>Notice</u> ARC 4933B	3/1/06
Behavioral science examiners—licensee record keeping, 31.12, <u>Filed</u> ARC 4932B	3/1/06
Behavioral science examiners—clinical competency examination, 33.5, <u>Filed</u> ARC 4931B	3/1/06
Chiropractic examiners—overpayment, clinical competency examination, 40.1, 45.5, <u>Notice</u> ARC 4883B	2/15/06
Chiropractic examiners, 41.8(2), 44.3(2)"b"(1), (3) and (5), 45.2(25), 46.1, <u>Filed</u> ARC 4882B	2/15/06
Chiropractic examiners—utilization and cost control review, 43.3, <u>Notice</u> ARC 4885B	2/15/06
Chiropractic examiners—continuing education, 44.3(2)"a"(1), 44.3(2)"c" and "d," <u>Notice</u> ARC 4886B	2/15/06
Cosmetology arts and sciences examiners—overpayment, 59.1, <u>Notice</u> ARC 4913B	3/1/06
Cosmetology arts and sciences examiners, 60.2(1)"g," 60.2(2)"f," 60.7"4," 61.2(6), 61.2(6)"c,"	
61.5(2), 61.7(1)"a" to "c," 61.10 to 61.22, 61.22(3), 61.23, 61.24, 63.3, 63.4, 63.11"4," 63.12(1)"c,"	
63.13, 63.16(1), 63.16(3), 63.18, 63.22(2), 63.25, 65.2(36), <u>Filed</u> ARC 4910B	3/1/06
Cosmetology arts and sciences examiners—clinical competency examination, 65.6, <u>Filed</u> ARC 4911B	3/1/06
Hearing aid dispenser examiners—overpayment, clinical competency examination,	
120.1, 124.5, <u>Notice</u> ARC 4914B	3/1/06
Nursing home administrator examiners—overpayment, clinical competency examination,	
140.1, 144.5, <u>Notice</u> ARC 4867B	2/15/06
Nursing home administrator examiners, 141.9(3)"a," 141.9(8), 144.2(28), 145.1, <u>Filed</u> ARC 4865B	2/15/06
Psychology examiners—overpayment, 239.1, <u>Notice</u> ARC 4916B	3/1/06
Psychology examiners, 240.2(1)"e," 242.5, <u>Filed</u> ARC 4917B	3/1/06
Respiratory care examiners—overpayment, 260.1, <u>Notice</u> ARC 4884B	2/15/06
Respiratory care examiners—clinical competency examination, 263.5, <u>Filed</u> ARC 4881B	2/15/06
Physician assistant examiners—overpayment, license reactivation, clinical competency examination,	
325.1, 326.8(1)"d," 329.3, 329.5, <u>Notice</u> ARC 4866B	2/15/06
Physician assistant examiners, 328.3(2)"c," 329.2(25), 330.1, <u>Filed</u> ARC 4864B	2/15/06

PUBLIC SAFETY DEPARTMENT[661]

Fire safety rules, 5.2, 5.10, 5.11(3), 5.11(8), 5.15, 5.15(3)"d," 5.15(16), 5.50, 5.51,	
5.100(2), 5.100(6), 5.230(4), 5.230(5), 5.301(3), 5.301(4), 5.502(1)"b," 5.502(2)"c"(5),	
5.607, 5.607(1), 5.608(2), 5.620(7)"a," 5.653(1), 5.661, 5.661(2) to 5.661(5), 5.661(7),	
5.666(1), 5.667(2), 5.675(1), 5.759, 5.759(2) to 5.759(5), 5.759(7), 5.760, 5.764(8), 5.801(1)"a,"	
5.801(4), 5.802(1) to 5.802(8), 5.803(4)"c," 5.804(4), 5.805, 5.806(4)"c," 5.820(6),	
<u>Notice</u> ARC 4904B , also <u>Filed Emergency</u> ARC 4903B	2/15/06

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Contested cases; racing; gambling games; accounting and cash control, 4.4(8), 9.2(10)"e"(2),	
9.4(5)"c," 9.4(8)"b," 9.5(1)"a"(11), 9.6(1)"l" and "w," 9.6(10)"b," 9.6(18)"a"(11),	
9.6(18)"e"(2), 9.6(18)"g," 9.6(19)"a"(2), 9.6(20)"s," 10.2(9), 10.4(5)"f," 10.4(17)"g,"	
11.9(2)"b," 11.9(5), 11.10(2), 11.10(4), 11.12(2), 12.14(4), <u>Notice</u> ARC 4873B	2/15/06

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Registration as associate residential or general real property appraiser,	
4.1(1), 4.1(3), 4.2, 4.4(2), <u>Notice</u> ARC 4929B	3/1/06

REGENTS BOARD[681]

University of Iowa hospitals; purchasing; public records, ch 6, 8.2(4), 8.3, 8.5, 8.6(1),	
8.6(2)"c," "e" and "f," 8.6(3), 8.7(2), 8.7(14), 8.9(2), 10.1 to 10.3, 17.13(2)"b,"	
17.14(3)"o" and "p," <u>Notice</u> ARC 4928B	3/1/06

REVENUE DEPARTMENT[701]

Investment tax credits, 42.2(10)"a" and "b," 42.2(11)"d" and "e," 42.19, 42.27, 42.28, 52.10,	
52.14, 52.22, 52.28, 52.29, 58.12, 58.17, 58.18, <u>Filed</u> ARC 4888B	2/15/06
Property tax credit or rent reimbursement—unreasonable hardship, 73.34, <u>Notice</u> ARC 4887B	2/15/06

SECRETARY OF STATE[721]

Temporary waiver of accessibility requirements for polling places, 21.50(7), <u>Filed</u> ARC 4875B	2/15/06
--	---------

SOIL CONSERVATION DIVISION[27]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"

Watershed improvement review board, adopt chs 101 to 107, Filed **ARC 4891B** 2/15/06

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Organization, 1.5, 1.5(2), 5.2(1)"a," 5.4, 17.3, 17.3(4), 17.3(5), Filed **ARC 4876B** 2/15/06

Authorized network users; rates for telemedicine and federal government users, 7.1, 7.5"17,"
12.5, Notice **ARC 4877B** 2/15/06

TRANSPORTATION DEPARTMENT[761]

Secondary road fund distribution committee, adopt ch 102, Notice **ARC 4862B** 2/15/06

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Certification of eligibility for wind energy and renewable energy tax credits,
15.18, 15.19, Filed **ARC 4878B** 2/15/06

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Mandatory and prohibited successorships; waiver of overpayments during appeal process;
classification of construction employers, 23.32, 23.43(3)"b"(3), 23.82(1)"a," Filed **ARC 4909B** 2/15/06

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2007.

Senator Michael Connolly
2600 Renaissance Drive, #3
Dubuque, Iowa 52001

Senator Thomas Courtney
2200 Summer Street
Burlington, Iowa 52601

Senator John P. Kibbie
P.O. Box 190
Emmetsburg, Iowa 50536

Senator Mary Lundby
P.O. Box 648
Marion, Iowa 52302-0648

Senator Paul McKinley
21884 483rd Lane
Chariton, Iowa 50049

Joseph A. Royce
Legal Counsel
Capitol, Room 116A
Des Moines, Iowa 50319
Telephone (515)281-3084
Fax (515)281-5995

Representative Danny Carroll
244 400th Avenue
Grinnell, Iowa 50112

Representative George Eichhorn
P.O. Box 140
Stratford, Iowa 50249

Representative Marcella R. Frevert
P.O. Box 324
Emmetsburg, Iowa 50536

Representative David Heaton
510 East Washington
Mt. Pleasant, Iowa 52641

Representative Geri Huser
213 Seventh Street NW
Altoona, Iowa 50009

Sonya Streit
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
DENTAL EXAMINERS BOARD[650]		
Licensure by examination, 11.2, 11.5, 12.1 to 12.4 IAB 2/15/06 ARC 4908B	Conference Room, Suite D 400 SW Eighth St. Des Moines, Iowa	March 7, 2006 2 p.m.
CPR course with clinical component, 14.1(4), 14.3(4), 14.5(1), 25.2(10) IAB 2/15/06 ARC 4907B	Conference Room, Suite D 400 SW Eighth St. Des Moines, Iowa	March 7, 2006 2 p.m.
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]		
Iowa community development block grant program, 23.4, 23.6(3) IAB 2/15/06 ARC 4879B	First Floor Northwest Conference Rm. 200 E. Grand Ave. Des Moines, Iowa	March 7, 2006 1:30 p.m.
EDUCATIONAL EXAMINERS BOARD[282]		
Class G license—preparation for school guidance counselor endorsement, 14.132 IAB 3/1/06 ARC 4940B	Room 3 North, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 21, 2006 2 p.m.
Substitute authorization, 14.143(2), 14.143(3) IAB 3/1/06 ARC 4939B	Room 3 North, Third Floor Grimes State Office Bldg. Des Moines, Iowa	March 21, 2006 2:30 p.m.
ENVIRONMENTAL PROTECTION COMMISSION[567]		
Construction permits for animal feeding operations, 65.5(3), 65.103(5) IAB 2/15/06 ARC 4898B	Public Library 46 First St. SW LeMars, Iowa	March 7, 2006 9 a.m.
	City Hall 410 N. Park Place Audubon, Iowa	March 7, 2006 7 p.m.
	Public Library 3520 86th St. Urbandale, Iowa	March 8, 2006 2 p.m.
	Marr Park 2943 Hwy. 92 Ainsworth, Iowa	March 9, 2006 7 p.m.
	Library 1500 W. Bremer Ave. Waverly, Iowa	March 10, 2006 9 a.m.
Organic materials composting facilities, 105.1, 105.3, 105.5 to 105.8, 105.14 IAB 2/15/06 ARC 4893B	Fifth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	March 15, 2006 10 a.m. to 12 noon

HUMAN SERVICES DEPARTMENT[441]

Support enforcement services, 98.24(5), 98.43(2), 98.45, 98.47 IAB 2/15/06 ARC 4900B	Suite 400 501 Sycamore Waterloo, Iowa	March 15, 2006 9 to 10 a.m.
	CSRU Conference Room 3911 West Locust St. Davenport, Iowa	March 15, 2006 10 to 11 a.m.
	Third Floor DHS Conference Room 799 Main St. Dubuque, Iowa	March 15, 2006 10 to 11 a.m.
	Suite 225 520 Nebraska St. Sioux City, Iowa	March 15, 2006 10 to 11 a.m.
	Third Floor Conference Room 1901 Bell Ave. Des Moines, Iowa	March 16, 2006 9 to 10 a.m.
	Conference Room, Suite 32 300 West Broadway Council Bluffs, Iowa	March 16, 2006 10 to 11 a.m.
	Seventh Floor Conference Room 411 Third St. SE Cedar Rapids, Iowa	March 17, 2006 8 to 10 a.m.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Benefits advisory committee membership; contribution rates for special service members, amendments to chs 1 to 12, 14, 15, 17, 19, 22, 26, 30 IAB 3/1/06 ARC 4927B	7401 Register Dr. Des Moines, Iowa	March 21, 2006 9 a.m.
--	---------------------------------------	--------------------------

LABOR SERVICES DIVISION[875]

Occupational safety and health regulations—adoption by reference, 26.1 IAB 3/1/06 ARC 4943B	Stanley Room 1000 E. Grand Ave. Des Moines, Iowa	March 21, 2006 2 p.m.
---	--	--------------------------

LATINO AFFAIRS DIVISION[433]

Qualification of language interpreters, ch 2 IAB 3/1/06 ARC 4930B	Rooms 319 and 320 Lucas State Office Bldg. Des Moines, Iowa	March 24, 2006 12 noon to 2 p.m.
--	---	-------------------------------------

MEDICAL EXAMINERS BOARD[653]

Licensee disciplinary proceedings, 2.14(4) IAB 2/15/06 ARC 4861B	Conference Room, Suite C 400 SW Eighth St. Des Moines, Iowa	March 7, 2006 4 p.m.
Mandatory reporting; discipline, rescind ch 12; adopt chs 22 to 26 IAB 2/15/06 ARC 4871B	Suite C 400 SW Eighth St. Des Moines, Iowa	March 7, 2006 2 p.m.

MEDICAL EXAMINERS BOARD[653] (Cont'd)

Supervision of pharmacists engaged in collaborative drug therapy management, 13.4, 13.5 IAB 2/15/06 ARC 4872B	Suite C 400 SW Eighth St. Des Moines, Iowa	March 8, 2006 3 p.m.
---	--	-------------------------

NATURAL RESOURCE COMMISSION[571]

Commercial fishing—shovelnose sturgeon, 82.2 IAB 3/1/06 ARC 4922B	Municipal Bldg. 502 S. First St. Guttenberg, Iowa	March 28, 2006 7 p.m.
	Conference Room D Clinton County Administration Bldg. 1900 N. Third St. Clinton, Iowa	March 29, 2006 7 p.m.
	Starr's Cave Nature Center 11629 Starr's Cave Park Rd. Burlington, Iowa	March 30, 2006 7 p.m.

PHARMACY EXAMINERS BOARD[657]

Collaborative drug therapy management, 8.34 IAB 2/15/06 ARC 4874B	Suite C 400 SW Eighth St. Des Moines, Iowa	March 8, 2006 3 p.m.
--	--	-------------------------

PROFESSIONAL LICENSURE DIVISION[645]

Barbers—competency examination, 20.1, 25.5 IAB 3/1/06 ARC 4915B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 21, 2006 1:30 to 2 p.m.
Behavioral science—retention of overpayments, 30.1 IAB 3/1/06 ARC 4933B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 24, 2006 9:30 to 10 a.m.
Chiropractic physicians—competency examination, 40.1, 45.5 IAB 2/15/06 ARC 4883B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 10:30 to 11 a.m.
Chiropractic physicians— UCCR committee, 43.3 IAB 2/15/06 ARC 4885B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 10:30 to 11 a.m.
Chiropractic physicians—independent study continuing education hours, 44.3(2) IAB 2/15/06 ARC 4886B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 10:30 to 11 a.m.
Cosmetology arts and sciences— retention of overpayments, 59.1 IAB 3/1/06 ARC 4913B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 24, 2006 9 to 9:30 a.m.
Hearing aid dispensers, 120.1, 124.5 IAB 3/1/06 ARC 4914B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 21, 2006 1 to 1:30 p.m.
Nursing home administrators— competency examination, 140.1, 144.5 IAB 2/15/06 ARC 4867B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 10 to 10:30 a.m.

PROFESSIONAL LICENSURE DIVISION[645] (Cont'd)

Podiatrists, 219.1, 224.5 IAB 2/1/06 ARC 4854B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 9 to 9:30 a.m.
Psychologists—retention of overpayments, 239.1 IAB 3/1/06 ARC 4916B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 24, 2006 8:30 to 9 a.m.
Respiratory care practitioners, 260.1 IAB 2/15/06 ARC 4884B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	April 4, 2006 9 to 9:30 a.m.
Physician assistants, 325.1, 326.8(1), 329.3, 329.5 IAB 2/15/06 ARC 4866B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	March 8, 2006 9:30 to 10 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Fire marshal, amendments to ch 5 IAB 2/15/06 ARC 4904B (See also ARC 4903B)	Conference Room, Suite N 401 SW Seventh St. Des Moines, Iowa	March 24, 2006 9:30 a.m.
---	--	-----------------------------

RACING AND GAMING COMMISSION[491]

Updates to comply with uniform rules of racing and standards, amendments to chs 4, 9 to 12 IAB 2/15/06 ARC 4873B	Suite B 717 E. Court Des Moines, Iowa	March 7, 2006 9 a.m.
--	---	-------------------------

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Implementation of statutory changes, 7.1, 7.5, 12.5 IAB 2/15/06 ARC 4877B	Thompson Conference Room Building W-4, Camp Dodge Johnston, Iowa	March 7, 2006 1 p.m.
--	--	-------------------------

TRANSPORTATION DEPARTMENT[761]

Secondary road fund distribution committee, ch 102 IAB 2/15/06 ARC 4862B	First Floor South Conference Room Administration Bldg. 800 Lincoln Way Ames, Iowa	March 9, 2006 10:30 a.m. (If requested)
---	--	---

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
 ATTORNEY GENERAL[61]
 AUDITOR OF STATE[81]
 BEEF INDUSTRY COUNCIL, IOWA[101]
 BLIND, DEPARTMENT FOR THE[111]
 CAPITAL INVESTMENT BOARD, IOWA[123]
 CITIZENS’ AIDE[141]
 CIVIL RIGHTS COMMISSION[161]
 COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Division[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Savings and Loan Division[197]
 Utilities Division[199]
 CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
 CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
 Grow Iowa Values Board[264]
 Iowa Finance Authority[265]
 EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
 EGG COUNCIL, IOWA[301]
 ELDER AFFAIRS DEPARTMENT[321]
 EMPOWERMENT BOARD, IOWA[349]
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
 EXECUTIVE COUNCIL[361]
 FAIR BOARD[371]
 HUMAN INVESTMENT COUNCIL[417]
 HUMAN RIGHTS DEPARTMENT[421]
 Community Action Agencies Division[427]
 Criminal and Juvenile Justice Planning Division[428]
 Deaf Services Division[429]
 Persons With Disabilities Division[431]
 Latino Affairs Division[433]
 Status of African-Americans, Division on the[434]
 Status of Women Division[435]
 HUMAN SERVICES DEPARTMENT[441]

INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Homeland Security and Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 4940B
EDUCATIONAL EXAMINERS
BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practitioner’s Licenses and Endorsements,” Iowa Administrative Code.

The proposed amendment seeks to address the shortage of school guidance counselors. Currently, a person can only serve as a school guidance counselor if the person has completed a school guidance counseling program or is eligible for a Class B two-year conditional license to serve as a counselor. To obtain a Class B license, the person must first be the holder of a valid teaching license. Thus, the only people who can serve as guidance counselors under the term of a Class B license are teachers.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, March 21, 2006, at 2 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, March 24, 2006. Written comments and suggestions should be addressed to Barbara F. Hendrickson, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to barbara.hendrickson@iowa.gov, or by fax to (515)281-7669.

This amendment is intended to implement Iowa Code chapter 272.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Adopt the following **new** rule:

282—14.132(272) Requirements for a Class G license. A nonrenewable Class G license valid for two years may be issued to an individual who must complete a school guidance

counseling practicum or internship in an approved program in preparation for the school guidance counselor endorsement. The Class G license may be issued under the following limited conditions:

14.132(1) Verification of a baccalaureate degree from a regionally accredited institution.

14.132(2) Verification from the institution that the individual is admitted and enrolled in an approved school guidance counseling program.

14.132(3) Verification that the individual has completed the coursework and competencies required prior to the practicum or internship.

Written documentation of the above requirements must be provided by the official at the institution where the individual is completing the approved school guidance counseling program and forwarded to the Iowa board of educational examiners with the application form for licensure.

ARC 4939B

EDUCATIONAL EXAMINERS
BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practitioner’s Licenses and Endorsements,” Iowa Administrative Code.

The proposed amendments are intended to assist those individuals who are having difficulty gaining the hours needed to renew the substitute authorization by providing additional time for the person holding the authorization to acquire the necessary credits needed for renewal by extending the duration of the authorization to three years but only increasing the renewal requirements by one credit. At the present time, it is very difficult for a person holding a substitute authorization to get the hours needed for the annual renewal.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, March 21, 2006, at 2:30 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, March 24, 2006. Written comments and suggestions should be addressed to Barbara F. Hendrickson, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to barbara.hendrickson@iowa.gov, or by fax to (515)281-7669.

These amendments are intended to implement Iowa Code chapter 272.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 14.143(2) as follows:

14.143(2) The fee for the substitute authorization is \$40 85 for ~~one year~~ *three years*.

ITEM 2. Amend subrule 14.143(3) as follows:

14.143(3) ~~The substitute authorization must be renewed annually.~~ Renewal requirements for the substitute authorization consist of a minimum of ~~one two~~ *renewal unit units* equivalent to ~~15 30~~ clock hours and completion of a child and dependent adult abuse training program approved by the state abuse education review panel. A waiver of the approved child and dependent adult abuse training requirement may apply under the following conditions with appropriate documentation of any of the following:

a. to e. No change.

ARC 4936B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6 and 2002 Iowa Acts, chapter 1125, the Department of Human Services proposes to amend Chapter 185, "Rehabilitative Treatment Services," Iowa Administrative Code.

These amendments allow the Department to grant deemed certification status to a provider of rehabilitative treatment services under certain conditions. Under these amendments, providers that earn accreditation from a recognized national accrediting body for a program or service that is substantially similar to the service as defined for the rehabilitative treatment program may substitute that accreditation for review and certification by the Department of Human Services. The amendments specify the Joint Commission on Accreditation of Healthcare Organizations for Behavioral Health or the Council on Accreditation of Services for Children and Families as the recognized accrediting bodies.

Section 1(2a) of 2002 Iowa Acts, chapter 1125, directed the Department to permit deemed status for providers accredited by these bodies, conditional upon approval of a Medicaid state plan amendment by the federal Centers for Medicare

and Medicaid Services, which has been granted. The state plan approval was necessary because services for children with rehabilitative treatment needs that are provided in the foster care, group care, family-centered services, and family preservation programs are supported with federal funds through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment Program, known in Iowa as "Care for Kids."

These amendments do not provide for waivers in specified situations because they remove certification requirements for the affected providers. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before March 23, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **441—185.1(234)** by adopting the following **new** definition in alphabetical order:

"Deemed status" means an acceptance of an outside body's review, assessment, and accreditation of a rehabilitative treatment services provider's functioning and services in lieu of certification based on review and evaluation by the department.

ITEM 2. Amend rule 441—185.11(234) by adopting the following **new** subrule:

185.11(1) Deemed status. The department may grant deemed status to a provider accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for services similar to that which the department certifies. Deemed status shall not be granted for services defined in rule 441—78.52(249A) as children's mental health waiver services.

a. Accrediting body. The accrediting body doing the review must assess categories of organizations and types of programs and services that correspond to the programs and services described in this chapter. The national accrediting bodies currently recognized as meeting department criteria for possible deemed status are:

(1) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) for Behavioral Health.

(2) The Council on Accreditation of Services for Children and Families (COA).

b. Accreditation credentials. To be acceptable for deemed status, the accreditation credentials of the national body must:

(1) Specify the type of organization, programs, and services that the national body accredits.

(2) Include targeted population groups, if appropriate.

c. Requirements for deemed status. To be eligible for deemed status, a provider shall:

(1) Possess accreditation credentials in conformity with 185.11(1)"b" from a national accrediting body recognized in 185.11(1)"a" for a service or program defined in this chapter.

HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) Require staff for the program whose status is being deemed to have the training and credentials needed to meet the needs of the individual served.

d. Application for deemed status.

(1) To apply for deemed status, the provider shall submit:

1. Form 470-4295, Application and Letter of Agreement; and

2. Copies of the provider's latest survey report and accreditation certificate.

(2) The provider shall make accreditation reports and rehabilitative treatment services and records of individual children receiving rehabilitative treatment services available to the department upon request.

(3) The department shall not accept an application for deemed status once the department has begun an on-site visit. The provider shall complete the certification process.

(4) Department staff shall conduct one or more on-site visits when a provider that the department has not previously certified applies for deemed status.

e. Granting of deemed status.

(1) Duration. When the department grants deemed status, the certification period shall coincide with the period awarded by the national accrediting body. However, under no circumstances shall the department award certification for longer than three years.

(2) Scope. Deemed status shall apply only to the services accredited by the national accrediting body. The department shall conduct its customary certification review of those services provided under this chapter that are not assessed by the national accrediting body.

(3) Technical assistance. Department staff shall provide technical assistance to providers with deemed status as time permits.

f. Reservations. When deemed status is granted, the department reserves the right to have department staff:

(1) Do joint site visits with the accrediting body;

(2) Attend accreditation exit conferences; or

(3) Conduct focused follow-behind visits as determined to be appropriate in consultation with the national accrediting body and the provider.

g. Continuation of deemed status.

(1) A provider with deemed status shall send a copy of Form 470-4295, Application and Letter of Agreement, along with a copy of the application for renewal to the national accrediting body at the same time as the provider applies to the national accrediting body.

(2) If the national accrediting body renews the provider's accreditation before the date the previous accreditation was due to expire, the provider shall submit a copy of the accreditation certificate to the department. The provider shall make copies of the accreditation report and records on rehabilitative treatment services available to the division upon request.

(3) If the national accrediting body has not issued a final decision on the provider's accreditation before the date the provider's previous accreditation is due to expire, the provider shall send the department a copy of the cover sheet and the national accrediting body's report on rehabilitative treatment services. The provider shall submit the cover sheet and report within 30 calendar days from the date that the provider receives the documents or within 30 days from the expiration date of the provider's accreditation, whichever comes later. If a corrective action plan is required for rehabilitative treatment services, the provider shall send the department a copy of all correspondence and documentation related to the corrective action plan.

h. Notice of change in status. The provider shall immediately notify the department in writing when:

(1) There has been a change in the provider's accreditation status;

(2) The provider's accreditation has been placed under suspension; or

(3) The national accrediting body has revoked the provider's accreditation.

i. Review of deemed status. The department shall review and act upon deemed status when:

(1) The provider's national accreditation status expires without renewal;

(2) The national accrediting body downgrades accreditation status or withdraws the provider's accreditation; or

(3) The provider's corrective plan is not acceptable to the national accrediting body.

ARC 4926B**IOWA FINANCE AUTHORITY[265]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1)"b," 16.5(17) and 16.181, the Iowa Finance Authority hereby gives Notice of Intended Action to amend Chapter 19, "State Housing Trust Fund," Iowa Administrative Code.

The purpose of these amendments is to adopt the Iowa Finance Authority State Housing Trust Fund 2007 Allocation Plan in place of the Iowa Finance Authority State Housing Trust Fund 2005 Allocation Plan and to set the effective date thereof. These proposed amendments update the year of the effective allocation plan from 2005 to 2007 and update references to 2003 Iowa Acts, Senate File 458, section 101, to reflect that section's codification in the Iowa Code.

Chapter 19 does not provide for waivers. Persons seeking waivers must petition the Authority for a waiver in the manner set forth under 265—Chapter 18.

The Authority will receive written comments on the proposed plan until 4:30 p.m. on March 21, 2006. Comments may be addressed to Mark Thompson, Iowa Finance Authority, 100 East Grand, Suite 250, Des Moines, Iowa 50309. Comments may also be faxed to Mark Thompson at (515) 242-4957 or E-mailed to Mark Thompson at mark.thompson@iowa.gov. Persons who wish to comment orally should contact Mark Thompson at (515)242-4990.

These amendments are intended to implement Iowa Code sections 16.5(17) and 16.181.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 265—19.1(16) as follows:

265—19.1(16) Trust fund allocation plan. The trust fund allocation plan entitled Iowa Finance Authority State Housing Trust Fund 2005 2007 Allocation Plan, effective December 1, 2004 May 31, 2006, shall be the allocation plan for the distribution of funds held within the state housing trust fund

IOWA FINANCE AUTHORITY[265](cont'd)

established in Iowa Code Supplement section 16.181. The trust fund allocation plan includes the plan, application and application instructions. The trust fund allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

ITEM 2. Amend rule 265—19.2(16) as follows:

265—19.2(16) Location of copies of the plan. The trust fund allocation plan can be reviewed and copied in its entirety on the authority's Web site at www.ifahome.com. Copies of the trust fund allocation plan, application, and all related attachments and exhibits, if any, shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference ~~2003 Iowa Acts, Senate File 458, section 101~~ Iowa Code section 16.181.

ITEM 3. Amend **265—Chapter 19**, implementation clause, as follows:

These rules are intended to implement Iowa Code section sections 16.5(17) and ~~2003 Iowa Acts, Senate File 458, section 101~~ 16.181.

ARC 4927B

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)*b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby gives Notice of Intended Action to amend Chapter 1, "Organization," Chapter 2, "Investment Board," Chapter 3, "Benefits Advisory Committee," Chapter 4, "Employers," Chapter 8, "Service Purchases," and Chapter 17, "Public Records and Fair Information Practices," and to update implementation sentences in Chapters 5 to 7, 9 to 12, 14, 15, 19, 22, 26 and 30, Iowa Administrative Code.

The purpose of this proposed rule making is to supplement current rules and procedures relating to the replacement and expansion of the Benefits Advisory Committee membership organizations, to implement new contribution rates for special service members beginning July 1, 2006, as recommended by IPERS' actuary, and to replace superseded implementation language with current Iowa Code citations. These amendments were prepared after consultation with IPERS' actuary; the legal, benefits, investments and operational units; and the Benefits Advisory Committee.

There are no waiver provisions included in the proposed amendments.

Any person may make written suggestions or comments on the proposed amendments on or before March 21, 2006. Such written suggestions or comments should be directed to the IPERS Administrative Rules Coordinator at IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Persons who wish to present their comments orally may contact the IPERS Administrative Rules Coordinator at (515)281-3081. Comments may also be submitted by fax to (515)281-0045 or by E-mail to info@ipers.org.

There will be a public hearing at 9 a.m. on March 21, 2006, at IPERS, 7401 Register Drive, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Persons who attend the hearing will be asked to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 495—1.1(97B), introductory paragraph, as follows:

495—1.1(97B) Organization. The agency shall administer the retirement system created by Iowa Code chapter 97B as amended by 2003 Iowa Acts, chapter 145, sections 170 to 181. Specific powers and duties of the agency, CEO, board, committee, and agency staff are set forth in Iowa Code chapter 97B as amended by 2003 Iowa Acts, chapter 145, and these administrative rules.

ITEM 2. Amend rule 495—1.2(97B), definition of "chief executive officer," as follows:

"Chief executive officer" means the administrator of the agency appointed pursuant to Iowa Code section 97B.3 and whose term shall be determined pursuant to ~~2003 Iowa Acts, chapter 94~~ Iowa Code section 97B.3.

ITEM 3. Amend **495—Chapters 1, 2, 3, 17 and 22**, implementation clause, as follows:

These rules are intended to implement Iowa Code chapter 97B as amended by 2003 Iowa Acts, chapter 145, sections 170 to 181.

ITEM 4. Amend rule 495—2.1(97B), numbered paragraph "7," as follows:

7. The board shall set the salary of the CEO pursuant to ~~2003 Iowa Acts, chapter 94, section 1~~ Iowa Code section 97B.3.

ITEM 5. Amend subrule **3.2(1)** by adding the following **new** unnumbered paragraph:

In no event shall the total number of BAC membership organizations be fewer than 9 or more than 14, and the BAC must at all times be composed of a mixture of employer and employee membership organizations that meet the specific membership and voting requirements of Iowa Code section 97B.8B.

ITEM 6. Amend rule 495—3.2(97B) by adding the following **new** subrules 3.2(4) and 3.2(5):

3.2(4) Replacement of membership organizations due to nonparticipation. If a membership organization, after receiving written notice from the BAC under subrule 3.2(3), fails to appoint a new representative to serve on the BAC, the chairperson shall send a second written notice to that membership organization again requiring that the organization appoint its representative within the next 30 days. The notice shall further state that, in order for the appointment to become effective, the newly appointed representative must also attend the next regularly scheduled BAC meeting. The attendance of an alternate representative at said meeting shall not fulfill the requirements of this subrule.

If the organization does not timely appoint a new representative, or its newly appointed representative does not at-

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

tend the next regularly scheduled BAC meeting, the organization shall be deemed to have relinquished its seat on the BAC.

When a membership organization has relinquished its seat on the BAC for nonparticipation, the subcommittee on membership shall, as soon as practicable, meet to consider a replacement organization. If a seat relinquished for nonparticipation was not filled and the subcommittee on membership determines that the composition of the BAC would continue to satisfy subrule 3.2(1), the subcommittee on membership may recommend any type of qualified interested organization as a replacement, or it may recommend leaving the seat open. However, if the subcommittee determines that the composition of the BAC would not satisfy subrule 3.2(1) if a seat relinquished for nonparticipation was not filled, the subcommittee must recommend a replacement, and the replacement must be one that permits the BAC to meet the requirements of subrule 3.2(1).

Any qualified, interested organization may file a petition for consideration as a replacement membership organization. The subcommittee shall review all such petitions, if any, which have been filed after the most recent formal review under this rule. The subcommittee may also solicit petitions for BAC membership from any qualified interested organization.

The subcommittee shall make its recommendation for a replacement membership organization, if any, at the next regularly scheduled BAC meeting or as soon as practicable. The BAC, by a majority vote of the voting membership, shall approve or reject the subcommittee's recommendation.

If the subcommittee's recommendation is rejected and the seat must be filled, the subcommittee shall reconvene as soon as practicable and the foregoing process shall be repeated until such time as the subcommittee's recommendation is approved.

In order to be considered for BAC membership under this rule, an organization must be a "qualified, interested organization." "Qualified, interested organization" means a unit of the executive branch or a formally organized corporation or association representing a viable and identifiable group of covered employers or covered employees as determined by the BAC in its sole discretion.

This subrule shall not be construed to affect the BAC positions reserved for the director of the department of administrative services or the position reserved for a citizen who has pension benefits experience and who is not a member of IPERS.

3.2(5) Replacement of current membership organizations other than through nonparticipation. A qualified, interested organization that wishes to replace an existing membership organization may petition the BAC to do so. Such petitions for BAC membership must be submitted in writing to the BAC as set forth in this rule and will be considered according to the schedule established below.

An organization petitioning for membership on the BAC must include the official name of the organization, a description of its organizational structure, the number of employers or employees represented, a description of prior activities by that organization regarding IPERS issues, and a brief explanation of the reasons why the organization should be selected as a replacement organization. The petition should also include the name and contact information for the organization's proposed representative and the name and contact information of the person completing the petition.

As soon as practicable after [insert effective date of this amendment], the subcommittee will conduct a formal review

of all petitions under this rule that have been received during the preceding three years. For this first formal review, the contents of such petitions shall not be required to meet the specific requirements set forth below, but must be sufficiently detailed or supplemented to permit a reasoned analysis and decision.

After the first formal review, a formal review of petitions under this rule shall be conducted every three years. IPERS shall provide 60 days' prior written notice of the next formal review session to members who have indicated in writing that they wish to file such a petition. IPERS will provide 60 days' prior written notice of the next formal review to all other potential petitioners through its Web site.

The subcommittee chosen to make recommendations regarding the replacement of a current membership organization shall not include the individual representing that organization on the BAC. However, any membership organization whose seat is being contested under this rule shall have the opportunity to submit written materials and make oral presentations to the subcommittee in support of its continued existence as a BAC membership organization.

For each formal review, the subcommittee on membership shall review all petitions for membership, if any, that have been filed after the most recent formal review under this rule. The subcommittee may also solicit petitions for BAC membership from any qualified, interested organization.

When one or more qualified, interested organizations have filed a petition to replace a current membership organization, the subcommittee on membership shall meet at least 30 days prior to the next formal review session to determine whether to recommend approval or rejection.

If the subcommittee on membership determines that the composition of the BAC would continue to satisfy subrule 3.2(1) regardless of the type of qualified, interested organization recommended, the subcommittee on membership may recommend any type of qualified, interested organization for a seat being sought under this rule.

However, if the subcommittee on membership determines that the composition of the BAC will only continue to satisfy subrule 3.2(1) if a current membership organization's seat is filled by a certain specific type of organization, the subcommittee on membership must limit its recommendations for approval to the types of organizations that would permit the composition of the BAC to continue to satisfy subrule 3.2(1).

The subcommittee shall present its recommendation regarding the replacement of a current membership organization at the next regularly scheduled formal review of petitions under this rule. The BAC, by majority vote of the voting membership, shall approve or reject the subcommittee's recommendation.

If the subcommittee determines that two qualified, interested organizations are competing for the same seat, the subcommittee shall, in its sole discretion, evaluate the competing organizations and make a recommendation that meets the requirements of this rule and takes into consideration the following factors: the number of employers or employees represented, the diversity of the representation, the degree to which the applicable constituents already have BAC representation through other BAC membership organizations, prior involvement in BAC activities, and prior activities as an IPERS advocate in other forums.

If the BAC votes to replace a current membership organization that holds a voting seat with a new membership organization, the replacement membership organization shall complete the remainder of the term for that voting seat. Otherwise, the new membership organization shall be seated

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

as a nonvoting organization. Thereafter, if a vacancy occurs in a voting seat and the new membership organization is qualified to fill that voting seat, the new membership organization may compete for the vacant voting seat.

An organization that petitions for a seat under this rule and after a formal review is not selected must resubmit its petition for membership in order to receive consideration for a seat during the next scheduled formal review.

This subrule shall not be construed to affect the BAC position reserved for the director of the department of administrative services or the position reserved for a citizen who has pension benefits experience and who is not a member of IPERS.

ITEM 7. Rescind and reserve rule **495—3.3(97B)**.

ITEM 8. Amend subrules 4.6(2) and 4.6(3) as follows:

4.6(2) Sheriffs and deputy sheriffs, effective ~~July 1, 2005~~ *July 1, 2006*.

- a. Member's rate—~~8.2%~~ *8.37%*.
- b. Employer's rate—~~8.2%~~ *8.37%*.

4.6(3) Members employed in a protection occupation, effective ~~July 1, 2005~~ *July 1, 2006*.

- a. Member's rate—~~6.16%~~ *6.08%*.
- b. Employer's rate—~~9.23%~~ *9.12%*.

ITEM 9. Amend subrule 4.6(6) as follows:

4.6(6) Prior special rates are as follows:

Effective ~~July 1, 2004, through June 30, 2005~~ *July 1, 2005, through June 30, 2006*:

- a. Sheriffs and deputy sheriffs:
 - (1) Member's rate—~~8.535%~~ *8.2%*.
 - (2) Employer's rate—~~8.535%~~ *8.2%*.
- b. Protection occupation:
 - (1) Member's rate—~~6.16%~~.
 - (2) Employer's rate—~~9.23%~~.

ITEM 10. Amend **495—Chapter 5**, implementation clause, as follows:

These rules are intended to implement Iowa Code Supplement chapter 97B.

ITEM 11. Amend **495—Chapter 6**, implementation clause, as follows:

These rules are intended to implement Iowa Code Supplement section 97B.1A(26).

ITEM 12. Amend **495—Chapter 7**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 5, 9, and 22, and Iowa Code Supplement sections 97B.1A, 97B.1A(13), 97B.1A(20), 97B.1A(25), and 97B.43.~~

ITEM 13. Amend paragraph **8.5(3)“e”** as follows:

e. Purchases for service credit for employment outside the United States. Service credit for employment with a foreign employer is limited to purchases of service with a qualified Canadian governmental entity as permitted under Iowa Code Supplement section 97B.80C ~~as amended by 2004 Iowa Acts, House File 2262, section 53, or with the federal Peace Corps program under Iowa Code section 97B.80C.~~

ITEM 14. Amend **495—Chapter 8**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 5, 22, 49 to 56 and 60, and Iowa Code Supplement sections 97B.1A, 97B.1A(13), 97B.1A(20), 97B.43, 97B.73B, 97B.80 and 97B.80C.~~

ITEM 15. Amend **495—Chapter 9**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, section 47, and Iowa Code Supplement sections 97B.50 and 97B.53.~~

ITEM 16. Amend **495—Chapter 10**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 42 to 45 and 47, and Iowa Code Supplement sections 97B.52, 97B.53 and 97B.70.~~

ITEM 17. Amend **495—Chapter 11**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 13, 16, 23, 25, 26 to 48 and 62, and Iowa Code Supplement sections 97B.4, 97B.9A, 97B.15, 97B.25, 97B.38, 97B.40, 97B.45, 97B.47, 97B.48, 97B.48A, 97B.49A to 97B.49I, 97B.50, 97B.51, 97B.52, 97B.52A, 97B.53 and 97B.53B.~~

ITEM 18. Amend **495—Chapter 12**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 23, 25 to 29, and 31 to 38, and Iowa Code Supplement sections 97B.1A, 97B.1A(24), 97B.15, 97B.25, 97B.45, 97B.47 to 97B.48A, 97B.49A to 97B.49I, and 97B.51.~~

ITEM 19. Amend **495—Chapter 14**, implementation clause, as follows:

These rules are intended to implement ~~2004 Iowa Acts, House File 2262, sections 42 to 45 and Iowa Code Supplement sections 97B.1A(8), 97B.1A(18), 97B.1A(19), 97B.34, 97B.34A, 97B.44, and 97B.52 and 2000 Iowa Acts, chapter 1077, section 75.~~

ITEM 20. Amend **495—Chapter 15**, implementation clause, as follows:

These rules are intended to implement Iowa Code Supplement sections 97B.49F and 97B.70.

ITEM 21. Amend paragraph **17.9(2)“e”** as follows:

e. To the legislative services agency ~~under 2003 Iowa Acts, chapter 35.~~

ITEM 22. Amend **495—Chapters 19, 26 and 30**, implementation clause, as follows:

These rules are intended to implement Iowa Code chapters 17A and 97B ~~as amended by 2003 Iowa Acts, chapter 145, sections 170 to 181.~~

ITEM 23. Amend **495—Chapter 22**, implementation clause, as follows:

These rules are intended to implement Iowa Code chapter 97C ~~as amended by 2003 Iowa Acts, chapter 145, section 181.~~

ARC 4943B**ARC 4930B****LABOR SERVICES DIVISION[875]****LATINO AFFAIRS DIVISION[433]****Notice of Intended Action****Notice of Termination
and
Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

Pursuant to the authority of Iowa Code section 216A.16, the Iowa Division of Latino Affairs hereby gives Notice of Intended Action to rescind Chapter 2, “Interpreters in Legal Proceedings,” and to adopt new Chapter 2, “Qualification of Language Interpreters,” Iowa Administrative Code.

The proposed amendment adopts by reference changes to federal occupational safety and health regulations. The changes revoke a slip-resistance provision in the steel erection standard that was scheduled to go into effect July 18, 2006. The U.S. Department of Labor, Occupational Safety and Health Administration received public input and determined the technological advances necessary for implementation and enforcement of the slip-resistance provision have not yet materialized.

This proposed amendment expands current Iowa Division of Latino Affairs responsibilities as related to Spanish language interpreters. The proposed amendment creates a qualification mechanism for Spanish language interpreters working for administrative agencies, health agencies, social service agencies, and the courts.

The principal reasons for adoption of this amendment are to implement Iowa Code chapter 88 and to make Iowa’s occupational safety and health regulations more current and consistent with federal regulations.

The proposed amendment will improve compliance with Title VI of the United States Civil Rights Code. In a clarification of Title VI of the Civil Rights Act of 1964, the federal Office for Civil Rights stipulated in 2000 that any entity receiving federal funds, including health care organizations receiving Medicaid and State Children’s Health Insurance Program (SCHIP) funds, must provide no-cost language assistance services to patients with limited English proficiency. Therefore, these rules are not subject to waiver.

Pursuant to Iowa Code subsection 88.5(1)(a), Iowa must adopt the federal standards.

The proposed rules were developed in three stages: (1) On July 1, 2004, over 200 concerned Iowans from 32 different communities attended a forum/hearing designed to gather input from individuals affected by language interpretation; (2) on October 26, 2004, a set of draft rules was reviewed by an Administrative Rules Subcommittee that included representatives of the Iowa Commission of Latino Affairs and interested individuals from each of the affected constituencies; and (3) in December 2004, revised draft rules were disseminated via electronic media to the Administrative Rules Subcommittee for additional comments.

This amendment will not necessitate combined expenditures exceeding \$100,000 by all political subdivisions or agencies and entities that contract with political subdivisions to provide services.

Written data, views, or arguments to be considered in adoption must be submitted no later than March 21, 2006, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iowa.gov.

A public hearing will be held on March 21, 2006, at 2 p.m. in the Stanley Room at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa. The public will be given the opportunity to make oral statements and submit documents. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should telephone (515)242-5869 in advance to arrange access or other needed services.

This amendment is intended to implement Iowa Code section 88.5.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

A Notice of Intended Action was initially published in the March 2, 2005, Iowa Administrative Bulletin as **ARC 4030B**, and a public hearing was held on March 24, 2005. As a result of public comment, that Notice is hereby terminated and a new rule making is begun.

Any interested person may make comments or suggestions concerning this proposed amendment no later than 4:30 p.m. on March 21, 2006. Written comments or suggestions should be sent to the Iowa Division of Latino Affairs, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. Comments may be sent by E-mail to Rossany.Brugger@iowa.gov or by fax to (515)242-6119.

The following amendment is proposed.

Amend rule **875—26.1(88)** by inserting the following at the end thereof:

70 Fed. Reg. 2885 (January 18, 2005)

The Commission of Latino Affairs will hold a public hearing on March 24, 2006, from 12 noon to 2 p.m. in Rooms 319 and 320 of the Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

LATINO AFFAIRS DIVISION[433](cont'd)

This amendment is intended to implement Iowa Code section 216A.15(9).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind 433—Chapter 2 and insert in lieu thereof the following **new** chapter:

CHAPTER 2

QUALIFICATION OF LANGUAGE INTERPRETERS

433—2.1(216A) Definitions.

“APLT” means an approved proficiency language test.

“ATA” means approved training agency and refers to an agency that has met the ICLA requirements for administering the interpreter qualification program.

“CEU” means continuing education unit and is equivalent to 0.10 of a contact hour.

“CI” means certified interpreter and refers to a person who has been trained and has passed a national certification interpretation program at the general level or specialized level. ICLA will encourage QSIs to become CIs.

“Client” means the person who is in need of an interpreter's services.

“Contact hour” means 60 minutes of uninterrupted instruction.

“Division” means the Iowa division of Latino affairs of the department of human rights.

“ICLA” means the Iowa commission of Latino affairs.

“Interpreter” means a person who translates orally for parties conversing in different languages.

“Provider” means the professional or organization utilizing an interpreter to communicate with a client.

“QGI” means qualified general interpreter and refers to a person who has met all the requirements for general interpreting set by the Iowa commission of Latino affairs or its delegate.

“QGITP” means a qualified general interpreter training program.

“QSI” means qualified specialized interpreter and refers to a person who has met all the specialization requirements set by the Iowa commission of Latino affairs or its delegate. Specialization certification fields include: court interpretation; health interpretation; and social services interpretation, which includes, but is not limited to, education, business, government, and agriculture.

“QSITP” means a qualified specialized interpreter training program.

433—2.2(216A) Purpose. The purpose of these rules is to:

1. Comply with Iowa Code section 216A.15, subsection 9.
2. Develop a mechanism for establishing the qualifications for Spanish/English interpreters, thus creating a pool of qualified professional interpreters.
3. Develop a system which improves the quality of interpretation but is still cost-effective for providers, interpreters, and clients.
4. Professionalize interpreters by providing professional standards and a code of ethics.
5. Develop an evaluation system for organizations to assess the language skills of employees and applicants.
6. Develop an interpreter qualification system that is replicable and expandable into other languages.

7. Develop a qualification process that focuses on training the interpreters rather than on a single certification test.

8. Encourage Iowa's interpreters to become nationally certified.

433—2.3(216A) Statewide roster of qualified interpreters. The division shall prepare, maintain, and publish a list of individuals who have been deemed qualified as either general or specialized Spanish/English language interpreters, or both. Interpreters will be deemed qualified at a specific certification level if they pass the criminal background check and meet the minimum requirements regarding age, education, language proficiency, and training and meet other requirements set by the ICLA.

433—2.4(216A) Criminal background check. Federal and state criminal background checks will be performed on all applicants seeking qualification by the division. A person shall not be deemed qualified as a QGI or QSI if the person has been convicted of either of the following:

1. A felony in a court of this or any other state or of the United States. An offense is a felony if it is so classified by the law under which the person is convicted at the time of the person's conviction.

2. Any crime in a court of this or any other state or of the United States, deemed to evidence moral turpitude, dishonesty, fraud, deceit, or misrepresentation.

433—2.5(216A) Approved training agency. For an organization to be considered an ATA, it must be able to demonstrate a potential interpreter's language competency in all of the following:

1. Spoken English;
2. Spoken Spanish;
3. Written English; and
4. Written Spanish.

433—2.6(216A) Approved proficiency language test. An approved proficiency language test (APLT) is an official, standardized test approved by ICLA and used by an ATA to evaluate and determine the level of language proficiency of bilingual candidates who want to become either general or specialized qualified interpreters.

433—2.7(216A) QGI eligibility; qualified general interpreter training programs.

2.7(1) Minimum criteria for QGI eligibility. In order for a person to be eligible to become a QGI and to enroll in a QGITP, the person shall:

- a. Have obtained a high school diploma or equivalent;
- b. Be 18 years of age or older;
- c. Have no criminal background;
- d. Have passed the APLT in Spanish and in English.

2.7(2) For an organization to become an ATA, the organization's QGITP curriculum must demonstrate the ability to build competency in the following areas:

- a. Culture;
- b. Ethics;
- c. Interpretation methodology;
- d. Professionalism and etiquette;
- e. Written translation skills;
- f. Interpreter self-evaluative assessment tools and techniques;
- g. Overview of state and national interpreter certification and credentialing requirements; and
- h. Idioms, slang, and linguistic development.

2.7(3) The ICLA shall accredit the QGITP, and the ATA that will develop such program shall be under ICLA supervision.

LATINO AFFAIRS DIVISION[433](cont'd)

2.7(4) In addition to the curriculum requirements, a QGITP must include a practice laboratory and a comprehensive exit evaluation.

2.7(5) Contact hour requirements. In order to be approved by the division, a training program curriculum must consist of a minimum of 150 student contact hours. The QGITP must monitor a minimum of 30 supervised practice hours in order to meet supervised practice standard requirements set by the ICLA.

433—2.8(216A) QSI qualifications; qualified specialized interpreter training programs.

2.8(1) In order for a person to become a QSI, the person must be a QGI in good standing and have successfully completed a QSITP.

2.8(2) For an organization to become an ATA for the QSITP, its curriculum must demonstrate the ability to build competency in the following areas:

- a. Vocabulary specific to the field of specialization;
- b. Conceptual/theoretical principles of the field of specialization;
- c. Ethics specific to the field of specialization;
- d. Cultural competency specific to the field of specialization;
- e. Expertise in the interpretation specializations of court, health, and social services.

2.8(3) The ICLA shall accredit the QSITP, and the ATA that will develop such program shall be under ICLA supervision.

2.8(4) In addition to the curriculum requirements, a QSITP must include an interpreter skills laboratory specific to the field of specialization.

2.8(5) Contact hour requirements. In order to be approved by the division, an interpreter specialization program curriculum must consist of a minimum of 80 student contact hours. In addition, the QSITP must monitor a minimum of 20 supervised practice hours in order to meet supervised practice standard requirements set by the ICLA.

433—2.9(216A) Continuing education requirements. In order to maintain qualification status as a QGI or QSI, the QGI or QSI shall complete a minimum of 30 contact hours of continuing education every two years.

433—2.10(216A) Experience-based or out-of-state interpreter transferability.

2.10(1) Review of certificates or alternate training. In extraordinary cases, the ICLA or its delegate may review alternative individual certification or professional experience for compatibility with the QGI and QSI requirements. The ICLA or its delegate may grant full or partial credit toward the QGI or QSI requirements.

2.10(2) Complete adoption of program. If the ICLA or its delegate has deemed an alternate program to be compatible with division standards in the program's entirety, state qualification as a QGI or QSI will be granted to a person who has successfully completed the alternate program.

2.10(3) Partial adoption of program. If the ICLA or its delegate has determined that all ICLA requirements have not been met by the alternate program, additional coursework will be required before state qualification as a QGI or QSI will be granted to a person who has successfully completed the alternate program.

433—2.11(216A) Certified oral language court interpreters. Requirements for certified court interpreters may be found at Iowa Code sections 622A.1 to 622A.8. Additional requirements are applicable for court-certified interpreters.

The additional requirements may be found at Iowa Court Rules, chapters 14 and 15.

433—2.12(216A) Fees. Reserved.

433—2.13(216A) Disciplinary actions.

2.13(1) A qualified general or specialized interpreter shall be prohibited from interpreting in Iowa if the interpreter has been convicted of a felony in any jurisdiction or any other state of the United States. A qualified general or specialized interpreter shall be subject to disciplinary action for any misconduct or violation of the ethics and code of professional conduct for interpreters.

2.13(2) Disciplinary process. ICLA shall establish a process for reviewing and responding to complaints or other evidence of interpreter misconduct under rule 433—2.13(216A).

2.13(3) Types of sanctions. ICLA reserves the right to administer the corresponding sanctions to an interpreter after concluding that there are grounds for sanction, including removal of the interpreter from the statewide roster of qualified interpreters.

2.13(4) Reestablishing the right to interpret under ICLA procedures. ICLA reserves the right to reinstate the interpreter to the statewide roster of qualified interpreters.

433—2.14(216A) Ethics and code of professional conduct for interpreters.

2.14(1) Accuracy and completeness. An interpreter shall render a complete and accurate interpretation by reproducing in the target language the closest natural equivalent of the source language message, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.

a. An interpreter has a twofold role:

(1) To ensure that the interpreter reflects precisely what was said by all pertinent parties; and

(2) To place persons with limited proficiency in the English language on an equal footing with persons who understand English.

To fulfill these roles, an interpreter must apply the interpreter's best skills and judgment to preserve the meaning of what is said, as faithfully as possible and without editing. The interpreter should express the style or register of speech, the ambiguities and nuances of the speaker, and the level of language that best conveys the original meaning of the source language. Verbatim, "word for word," and literal oral interpretations are inappropriate when they distort the meaning of what is said in the source language. However, all spoken statements, including misstatements, should be interpreted, even if they appear unresponsive, obscene, rambling, or incoherent.

b. The interpreter's obligation to preserve accuracy includes the duty to correct any errors of interpretation discovered while interpreting.

c. The interpreter's ethical responsibility to interpret accurately and completely includes the responsibility of being properly prepared for interpreting assignments, and is especially important when the situation or documents include highly specialized terminology and subject matter.

2.14(2) Conveying cultural frameworks. An interpreter shall explain cultural differences or practices to providers and clients when appropriate. The interpreter, therefore, must be mindful of those occasions where unshared cultural beliefs and assumptions can create a barrier to effective communication. In these situations, the role of interpreter is twofold:

LATINO AFFAIRS DIVISION[433](cont'd)

a. To identify the possibility that a cultural misunderstanding is creating a barrier to communication; and

b. To assist both the provider and client in exploring with each other what this barrier may be.

2.14(3) Representation of qualifications. An interpreter shall accurately and completely represent the interpreter's certifications, training, and experience. An interpreter shall promptly report to the provider any disciplinary action taken against the interpreter.

2.14(4) Impartiality and avoidance of conflict of interest.

a. An interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. An interpreter shall disclose any real or perceived conflict of interest.

b. An interpreter shall avoid any conduct or behavior that presents the appearance of favoritism toward the client or provider. An interpreter should maintain professional relationships with clients, discourage personal dependence on the interpreter, and avoid participation in the interaction other than as an interpreter.

c. An interpreter shall strive for professional detachment. Verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions must be avoided at all times.

d. An interpreter shall not solicit or accept any payment, gift or gratuities in addition to compensation.

e. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to all concerned parties. An interpreter should divulge only necessary information when disclosing the conflict of interest. The disclosure shall not include privileged or confidential information. The following circumstances create potential conflicts of interest that must be disclosed:

(1) The interpreter is a friend, associate, or relative of a client or provider.

(2) For any reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The existence of either of the above-mentioned circumstances shall be carefully evaluated by all pertinent parties, but does not alone disqualify an interpreter from providing services if the interpreter is able to render services objectively. The interpreter shall disclose any indication that the recipient of interpreting services views the interpreter as biased. If an actual or apparent conflict of interest exists, the parties shall decide whether removal of the interpreter is appropriate based upon the totality of the circumstances.

2.14(5) Professional demeanor. An interpreter shall conduct the services of interpreting in a manner consistent with the dignity of the professional situation. An interpreter shall know and observe the established protocol, rules, and procedures for delivering interpreting services. While speaking, an interpreter shall speak at a rate and volume that enables the interpreter to be heard and understood. An interpreter shall be as unobtrusive as possible and shall not seek to draw inappropriate attention to the interpreter while performing professional duties, including anytime the interpreter is present, even though not actively interpreting.

2.14(6) Interpreter positioning. An interpreter should avoid obstructing the view of anyone involved in the interaction, but should be appropriately positioned to facilitate communication.

2.14(7) Confidentiality. An interpreter shall protect the confidentiality of all privileged and other confidential information. An interpreter must uphold the confidentiality of any communications between other persons or agencies and the client. An interpreter must also refrain from repeating or

disclosing information obtained by the interpreter in the course of employment.

2.14(8) Reporting criminal intent. In the event an interpreter is providing services to a party and becomes aware of an intention to inflict harm or commit a crime, the interpreter shall immediately disclose the information to all pertinent parties. In an emergency, the interpreter shall disclose the information to an appropriate authority.

2.14(9) Information for personal gain. An interpreter shall not take advantage of knowledge obtained in the performance of duties, or by the interpreter's access to records, facilities, or privileges, for the interpreter's own or another's personal gain.

2.14(10) Restriction of public comment. An interpreter shall not publicly discuss, report or offer an opinion concerning a matter in which the interpreter is or has been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.

Generally, an interpreter should not discuss interpreter assignments with anyone other than persons who have a formal duty associated with the case. However, an interpreter may share information for training and education purposes, divulging only so much information as is required to accomplish this purpose. Unless so ordered by a court, an interpreter must never reveal privileged or confidential information for any purpose, including training and education.

2.14(11) Scope of practice. An interpreter shall be limited to interpreting and shall not give advice, express personal opinions to individuals for whom the interpreter is interpreting, or engage in other activities which may be construed to constitute a service other than interpreting while serving as an interpreter.

2.14(12) Assessing and reporting impediments to services. An interpreter shall assess at all times the interpreter's ability to deliver services. When an interpreter has any reservation about the interpreter's ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the appropriate authority.

2.14(13) Duty to report violations. An interpreter shall report to the proper authority any effort to impede the interpreter's compliance with any law, any provision of this code of conduct, or any other official policy governing interpreting.

2.14(14) Professional development. An interpreter shall strive to improve the interpreter's skills and knowledge and advance the profession through activities such as professional training and education and through interaction with colleagues and specialists in related fields. An interpreter shall improve the interpreter's interpreting skills and increase the interpreter's knowledge of the languages in which the interpreter works professionally, including past and current trends in slang, idiomatic expression, changes in dialect, technical terminology and social and regional dialects.

2.14(15) Breach of ethics. Any breach or perceived breach of ethics shall be reported to the division for investigation.

2.14(16) Specialized court, health, and social services interpreters shall meet the ethics requirements and code of professional conduct of their respective field of interpretation.

These rules are intended to implement Iowa Code section 216A.15.

ARC 4922B
NATURAL RESOURCE
COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 82, “Commercial Fishing,” Iowa Administrative Code.

The proposed amendments provide for three changes in shovelnose sturgeon rules on the Mississippi River: (1) establish size limit harvest restrictions; (2) establish a harvest season from October 15 through May 15; and (3) specify that all eggs or roe must remain intact with shovelnose sturgeon while the commercial fisher is on the water.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 31, 2006. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa, 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be three public hearings as follows:

- | | | |
|-------------------|--------|---|
| March 28,
2006 | 7 p.m. | Municipal Building
502 South First Street
Guttenberg, Iowa |
| March 29,
2006 | 7 p.m. | Clinton County Administration Building
Conference Room D
1900 North Third Street
Clinton, Iowa |
| March 30,
2006 | 7 p.m. | Starr’s Cave Nature Center
11629 Starr’s Cave Park Road
Burlington, Iowa |

At the public hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend a public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 482.1.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 82.2(2) as follows:

82.2(2) Size limits. ~~The minimum length limit for all catfish is 15 inches. Catfish less than 15 inches shall be returned unharmed to the water. Fish less than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15~~

inches. The minimum fork length for shovelnose sturgeon is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin.

ITEM 2. Amend rule 571—82.2(482) by adopting the following **new** subrules:

82.2(8) Seasons. There is a continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14.

82.2(9) Special shovelnose regulations. A shovelnose sturgeon must remain intact until the fish reaches the final processing facility or business. For the purposes of this subrule, final processing facility does not include vessels or vehicles.

ARC 4915B

PROFESSIONAL LICENSURE
DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Barber Examiners hereby gives Notice of Intended Action to amend Chapter 20, “Administrative and Regulatory Authority for the Board of Barber Examiners,” and Chapter 25, “Discipline for Barbers, Barber Instructors, Barbershops and Barber Schools,” Iowa Administrative Code.

The proposed amendments provide the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening and to retain licensure overpayments.

Any interested person may make written comments on the proposed amendments no later than March 21, 2006, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on March 21, 2006, from 1:30 to 2 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 158 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **645—20.1(17A)** by adding the following **new** definition in alphabetical order:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ITEM 2. Adopt **new** rule 645—25.5(158) as follows:

645—25.5(158) Order for mental, physical, or clinical competency examination or alcohol or drug screening. A licensee who is licensed by the board is, as a condition of licensure, under a duty to submit to a mental, physical, or clinical competency examination, including alcohol or drug screening, within a time specified by order of the board. Such examination may be ordered upon a showing of probable cause and shall be at the licensee’s expense.

25.5(1) Content of order. A board order for a mental, physical, or clinical competency examination shall include the following items:

- a. A description of the type of examination to which the licensee must submit.
- b. The name and address of the examiner or of the evaluation or treatment facility that the board has identified to perform the examination on the licensee.
- c. The time period in which the licensee must schedule the required examination.
- d. The amount of time which the licensee has to complete the examination.
- e. A requirement that the licensee sign necessary releases for the board to communicate with the examiner or the evaluation or treatment facility.
- f. A requirement that the licensee cause a report of the examination results to be provided to the board within a specified period of time.
- g. A requirement that the licensee communicate with the board regarding the status of the examination.
- h. A concise statement of the facts relied on by the board to order the evaluation.

25.5(2) Alternatives. Following issuance of the examination order, the licensee may request additional time to schedule or complete the examination or may request the board to approve an alternative examiner or treatment facility. The board in its sole discretion shall determine whether to grant such a request.

25.5(3) Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee’s confidentiality.

25.5(4) Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1).

25.5(5) Order and reports confidential. An examination order, and any subsequent examination reports issued in the course of a board investigation, are confidential investigative information pursuant to Iowa Code section 272C.6(4).

25.5(6) Admissibility. In the event the licensee submits to evaluation and subsequent proceedings are held before the board, all objections shall be waived as to the admissibility of the examining physicians’ or health care providers’ testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against the licensee in any

proceeding other than one relating to licensee discipline by the board.

25.5(7) Failure to submit. Failure of a licensee to submit to a board-ordered mental, physical, or clinical competency examination or to submit to alcohol or drug screening constitutes a violation of the rules of the board and is grounds for disciplinary action.

ARC 4933B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Behavioral Science Examiners hereby gives Notice of Intended Action to amend Chapter 30, “Administrative and Regulatory Authority for the Board of Behavioral Science Examiners,” Iowa Administrative Code.

The proposed amendment provides the Board the ability to retain licensure overpayments of less than \$10 to reduce program administrative costs.

Any interested person may make written comments on the proposed amendment no later than March 24, 2006, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on March 24, 2006, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 154D and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend rule **645—30.1(17A,154D)** by adding a **new** definition in alphabetical order as follows:

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ARC 4913B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby gives Notice of Intended Action to amend Chapter 59, "Administrative and Regulatory Authority for the Board of Cosmetology Arts and Sciences Examiners," Iowa Administrative Code.

The proposed amendment provides the Board the ability to retain licensure overpayments of less than \$10.

Any interested person may make written comments on the proposed amendment no later than March 24, 2006, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on March 24, 2006, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 157 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend rule **645—59.1(17A)** by adding the following **new** definition in alphabetical order:

"Overpayment" means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ARC 4914B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for the Licensing and Regulation of

Hearing Aid Dispensers hereby gives Notice of Intended Action to amend Chapter 120, "Administrative and Regulatory Authority for the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers," and Chapter 124, "Discipline for Hearing Aid Dispensers," Iowa Administrative Code.

The proposed amendments provide the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening and to retain licensure overpayments.

Any interested person may make written comments on the proposed amendments no later than March 21, 2006, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on March 21, 2006, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **645—120.1(17A,154A)** by adding the following **new** definition in alphabetical order:

"Overpayment" means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ITEM 2. Adopt **new** rule 645—124.5(154A) as follows:

645—124.5(154A) Order for mental, physical, or clinical competency examination or alcohol or drug screening. A licensee who is licensed by the board is, as a condition of licensure, under a duty to submit to a mental, physical, or clinical competency examination, including alcohol or drug screening, within a time specified by order of the board. Such examination may be ordered upon a showing of probable cause and shall be at the licensee's expense.

124.5(1) Content of order. A board order for a mental, physical, or clinical competency examination shall include the following items:

- a. A description of the type of examination to which the licensee must submit.
- b. The name and address of the examiner or of the evaluation or treatment facility that the board has identified to perform the examination on the licensee.
- c. The time period in which the licensee must schedule the required examination.
- d. The amount of time which the licensee has to complete the examination.
- e. A requirement that the licensee sign necessary releases for the board to communicate with the examiner or the evaluation or treatment facility.
- f. A requirement that the licensee cause a report of the examination results to be provided to the board within a specified period of time.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

g. A requirement that the licensee communicate with the board regarding the status of the examination.

h. A concise statement of the facts relied on by the board to order the evaluation.

124.5(2) Alternatives. Following issuance of the examination order, the licensee may request additional time to schedule or complete the examination or may request the board to approve an alternative examiner or treatment facility. The board in its sole discretion shall determine whether to grant such a request.

124.5(3) Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

124.5(4) Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1).

124.5(5) Order and reports confidential. An examination order, and any subsequent examination reports issued in the course of a board investigation, are confidential investigative information pursuant to Iowa Code section 272C.6(4).

124.5(6) Admissibility. In the event the licensee submits to evaluation and subsequent proceedings are held before the board, all objections shall be waived as to the admissibility of the examining physicians' or health care providers' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board.

124.5(7) Failure to submit. Failure of a licensee to submit to a board-ordered mental, physical, or clinical competency examination or to submit to alcohol or drug screening constitutes a violation of the rules of the board and is grounds for disciplinary action.

ARC 4916B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners hereby gives Notice of Intended Action to amend Chapter 239, “Administrative and Regulatory Authority for the Board of Psychology Examiners,” Iowa Administrative Code.

The proposed amendment provides the Board the ability to retain licensure overpayments of less than \$10 to reduce program administrative costs.

Any interested person may make written comments on the proposed amendment no later than March 24, 2006, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on March 24, 2006, from 8:30 to 9 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 154B and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend rule **645—239.1(17A,154B)** by adding a **new** definition in alphabetical order as follows:

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ARC 4929B**REAL ESTATE APPRAISER
EXAMINING BOARD[193F]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby gives Notice of Intended Action to amend Chapter 4, “Associate Real Property Appraiser,” Iowa Administrative Code.

The proposed amendments include a change that allows an individual to register as an associate residential or associate general real property appraiser without having to pass the appropriate examination.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before March 21, 2006. Comments should be addressed to Susan Griffel, Professional Licensing and Regulation Division, 1920 S.E. Hulsizer Road, Ankeny, Iowa 50021, or faxed to (515)281-7411. E-mail may be sent to Susan.Griffel@iowa.gov.

These amendments are intended to implement Iowa Code chapters 543D and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

The following amendments are proposed.

ITEM 1. Amend subrules 4.1(1) and 4.1(3) as follows:

4.1(1) The classification of associate appraiser shall be used to refer ~~only~~ to individuals who have completed the necessary educational requirements ~~and successfully passed the appropriate examination but who do not meet the experience requirements for certification, but are not yet fully qualified for certification.~~

4.1(3) An applicant for the associate appraiser classification, ~~after completing the educational requirements, shall may apply to the board to take the appropriate examination by completing an examination application provided by the board, for associate status by providing proof of completion of the educational requirements and paying the appropriate examination application fee. The fee to obtain an associate license is separate from the examination application fee.~~

ITEM 2. Amend rule 193F—4.2(543D) as follows:

193F—4.2(543D) Upgrading an associate appraiser registration. An associate appraiser must complete 2500 hours of experience in not less than 24 months to upgrade to a certified residential real property appraiser. An associate appraiser must complete 3000 hours of experience, of which at least 1500 hours must be nonresidential experience under a certified general appraiser, in not less than 30 months to upgrade to a certified general real property appraiser. Application requirements include the following:

1. Successful completion of the appropriate examination within 24 months of the date the individual is certified.

2. Successful completion of the work product review process as described in 193F—3.5(543D);

3. Submission of a completed application on a form provided by the board;

4. Submission of a copy of the appraisal log(s);

5. Submission of a copy of the original associate appraiser license and certificate;

6. Payment of the appropriate fee.

ITEM 3. Amend subrule 4.4(2) as follows:

4.4(2) The board may deny an application based on disciplinary action taken against an associate appraiser, ~~or upon any ground for disciplinary action provided in 193F—8.1(272C,543D).~~

ARC 4928B

REGENTS BOARD[681]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 262.9(12) and 262.12, the Board of Regents hereby gives Notice of Intended Action to amend Chapter 6, “University of Iowa Hospitals,” Chapter 8, “Purchasing,” Chapter 10, “Records Management,” and Chapter 17, “Public Records and Fair Information Practices,” Iowa Administrative Code.

These amendments are intended to update references to the Iowa Code, delete outdated rules, and make additions to

comply with Iowa Code changes and with updated business practices.

A waiver provision is not included. The Board has adopted a uniform waiver rule, which may be found at 681 IAC 19.18(17A).

Any interested person may make written comments on the proposed amendments on or before March 21, 2006. Comments should be directed to Marcia Brunson, Policy and Operations Officer, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322. Comments may sent by fax to (515)281-6420 or by E-mail to mbruns@iastate.edu.

These amendments are intended to implement 2005 Iowa Acts, chapter 167, section 59, and Iowa Code chapters 73, 262 and 305.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Rescind and reserve **681—Chapter 6**.

ITEM 2. Amend the implementation clause for rule **681—8.1(262)** as follows:

This rule is intended to implement 1989 Iowa Acts, chapter 315, section 20, and Executive Order number 15 of 1973 Iowa Code sections 73.15 to 73.21.

ITEM 3. Amend subrule 8.2(4) as follows:

8.2(4) Interest on claims. ~~In the case of any claim received after March 23, 1984, if a claim~~ for services, supplies, materials, or a contract which is payable from the institution’s general fund which remains unpaid after 60 days following receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, interest shall be paid at the rate of 1 percent per month on the unpaid amount of the claim. This paragraph ~~subrule~~ does not apply to claims against the state under Iowa Code chapters 25, 573, and 669 or the claims paid by federal funds.

ITEM 4. Rescind and reserve rule 681—8.3(262) as follows:

681—8.3(262) Purchase of equipment funded by academic revenue bond proceeds.

8.3(1) On each equipment grouping funded by academic revenue bond proceeds where the estimated cost of the equipment to be purchased from a single source is equal to or less than \$25,000:

a. A university shall follow its normal purchasing procedures.

b. Purchase orders shall be issued with the approval of the chief business officer or designee to the lowest responsible bidder for equipment conforming to the specifications.

c. Bid security will not be required unless it is deemed to be in the public interest to do so by the chief business officer or designee.

8.3(2) On each equipment grouping funded by academic revenue bond proceeds where the estimated cost of the equipment to be purchased from a single source exceeds \$25,000:

a. A notice to bidders shall be published as provided by the Iowa Code, establishing a time for public opening of bids.

b. Bid security in the amount of 5 percent of the total bid for each group shall be required in the form of cash, certified check or bid bond, payable to the executive director, board of regents.

REGENTS BOARD[681](cont'd)

~~8.3(3) Public hearings shall not be required under 8.3(1) or 8.3(2).~~

ITEM 5. Rescind and reserve rule 681—8.5(262) as follows:

~~681—8.5(262) Purchase of coal. Coal may be purchased upon authorization of the chief business officer for each institution on the basis of the low competitive bid or quotation and in accordance with the Iowa Code and in accordance with specifications approved by the executive director and incorporated in the notice for bids or quotations.~~

ITEM 6. Rescind and reserve subrule 8.6(1) as follows:

~~8.6(1) Estimated cost exceeding \$25,000. When the estimated cost of construction, repairs, or improvements of buildings or grounds exceeds \$25,000, initial public hearings are conducted by the chief business officer of each institution, or delegated representative. Reports of public hearings are filed with the executive director by the chief business officer. All final hearings required by law are held by the board.~~

ITEM 7. Amend paragraph 8.6(2)“c” as follows:

c. Bid bonds must be either in the form which is prescribed by the board of regents or in a form approved by the American Institute of Architects. Bid bonds must be executed solely by corporations authorized to contract as surety in Iowa and, in addition to all other provisions, clearly designate an Iowa resident agent as attorney-in-fact.

ITEM 8. Amend paragraph 8.6(2)“e” as follows:

e. Bid security when submitted in the form of either a cash deposit, a cashier's check, or a certified check by any bidder except the three lowest bidders will be returned within 48 hours after the bid opening. Remaining securities will be returned no later than 48 hours after the bid opening.

ITEM 9. Amend paragraph 8.6(2)“f” as follows:

f. Bid security when retained will, if either a cash deposit, a cashier's check, or a certified check, be returned within 48 hours after the contract and performance and payment bond of the successful bidder have been executed by the board of regents. If the award process involves more than the bid holding time established in the contract documents, those bidders whose securities are retained shall have the right to negotiate with the board of regents on the matter.

ITEM 10. Amend subrule 8.6(3) as follows:

~~8.6(3) Equal employment opportunity bidding requirement. All construction specifications shall include in the “instructions to bidders,” the following from 681—7.3(262): “Bidders shall file with each bid a completed board of regents equal employment opportunity data reporting form as included in the specifications or certify on the certificate of reporting that an equal employment opportunity data reporting form has been filed with one of the institutions governed by the board of regents equal opportunity compliance officer in the past 12 months.”~~

ITEM 11. Amend the implementation clause for rule ~~681—8.6(262)~~ as follows:

This rule is intended to implement 1989 Iowa Acts, chapter 315, section 20, and Executive Order number 15 of 1973 Iowa Code sections 73.15 to 73.21.

ITEM 12. Amend subrule 8.7(2) as follows:

~~8.7(2) Qualifications. To qualify to receive insurance deductions, an insurance company must have and maintain 250 500 or more state officers or employees participating on a~~

statewide basis. Insurance companies cannot count employees who currently have payroll deductions that have been authorized by existing sections of the Iowa Code, by collective bargaining contracts, or by the governing authority.

An insurance company seeking to be qualified shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees for whom insurance deductions are sought. Such list shall contain, according to affected payroll systems, the names in alphabetical order and social security number of state employees for whom insurance deductions are being requested, and the name of the type of insurance being requested.

ITEM 13. Amend subrule 8.7(14) as follows:

~~8.7(14) Annual review of participating employees. During September of each year, each participating insurance company shall supply responsible officials in charge of each affected payroll system with a certified list of all state employees who have an insurance deduction. The list shall contain the same information as required in subrule 8.7(2) and will be used by the state to determine if the insurance company has 250 500 employees participating as required in the rules.~~

If the minimum qualification is not being maintained, written notification will be provided to the insurance company, giving them the insurance company 90 days to meet the minimum qualification. If, at the end of the 90-day period, the minimum qualification has not been attained, the insurance deduction for all participating employees in that company will be terminated.

ITEM 14. Amend the implementation clause for rule ~~681—8.8(262)~~ as follows:

This rule is intended to implement Iowa Code section 262.9(16 17).

ITEM 15. Amend subrule 8.9(2) as follows:

~~8.9(2) When authorization is required. Each regent institution or the board office, prior to entering into any single contract exceeding \$1,000 or into a contract which results in \$2,000 in contracts in the aggregate for a fiscal year with an individual referred to in subrule 8.9(1), shall have received prior authorization from the board of regents shall not purchase in any one occurrence any goods or services having a value in excess of \$2,000 from a regent institution employee, a regent board office employee, or a member of the board unless the sale is made after public notice and competitive bidding. Prior authorization can be given on a per occurrence basis or on the basis of approval by the regents of a list of individuals. Once approved by the board, an individual will remain on the approved master list maintained by the institution or office transacting business with the individual. The master list will be reviewed periodically as part of the institution's normal review process.~~

ITEM 16. Amend rule 681—10.1(304) as follows:

~~681—10.1(304 305) Records management. The board of regents' office and each institution governed by the board of regents shall develop internal rules for the economical, efficient, and systematic management of its records. Each institutional and board office records management system shall be approved by the board of regents when found by the board to be consistent with the objectives of Iowa Code chapter 304 305.~~

ITEM 17. Amend rule 681—10.2(304), introductory paragraph, as follows:

REGENTS BOARD[681](cont'd)

681—10.2(304 305) Records system. Each system shall incorporate the following:

ITEM 18. Amend rule 681—10.3(304) as follows:

681—10.3(304 305) Public inspection. The system governing the records management procedure for each institution and the board office shall be available for public inspection at the respective institution and the office of the Executive Director, State Board of Regents, ~~Old Historical Building, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322.

ITEM 19. Amend the implementation clause for **681—Chapter 10** as follows:

These rules are intended to implement Iowa Code chapter 304 305.

ITEM 20. Amend paragraph **17.13(2)“b”** as follows:

b. Sealed bids received prior to the ~~time set for public~~ opening of bids. (Iowa Code section 72.3)

ITEM 21. Amend subrule **17.14(3)** by adopting new paragraphs **“o”** and **“p”** as follows:

- o. Project/construction management systems.
- p. Facilities and maintenance information systems.

NOTICE—PUBLIC FUNDS INTEREST RATES

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for February is 6.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

- 74A.2 Unpaid Warrants Maximum 6.0%
- 74A.4 Special Assessments Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be

paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective February 10, 2006, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum 1.75%
32-89 days	Minimum 2.40%
90-179 days	Minimum 2.80%
180-364 days	Minimum 3.10%
One year to 397 days	Minimum 3.30%
More than 397 days	Minimum 4.55%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

March 1, 2005 — March 31, 2005	6.25%
April 1, 2005 — April 30, 2005	6.25%
May 1, 2005 — May 31, 2005	6.50%
June 1, 2005 — June 30, 2005	6.25%
July 1, 2005 — July 31, 2005	6.25%
August 1, 2005 — August 31, 2005	6.00%
September 1, 2005 — September 30, 2005	6.25%
October 1, 2005 — October 31, 2005	6.00%
November 1, 2005 — November 30, 2005	6.25%
December 1, 2005 — December 31, 2005	6.50%
January 1, 2006 — January 31, 2006	6.50%
February 1, 2006 — February 28, 2006	6.50%
March 1, 2006 — March 31, 2006	6.50%

ARC 4925B

IOWA FINANCE AUTHORITY[265]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 16.5(17), the Iowa Finance Authority hereby amends Chapter 9, "Title Guaranty Division," Iowa Administrative Code.

The purpose of these amendments is to clarify and define the term "abstract of title" or "abstract" as applied to refinanced or junior mortgages in order to facilitate mortgage lenders' participation in the secondary market. These amendments add definitions of "abstract of title" or "abstract," "nonpurchase product," "title guaranty report of title" or "report," and "title search(es)" or "search(es)" to rule 265—9.3(16). The definition of "abstract of title" contained in subrule 9.6(4) has been amended and moved to rule 265—9.3(16), and that portion of the subrule regarding refinanced mortgages and junior mortgages has been amended.

Notice of Intended Action was published in the January 4, 2006, Iowa Administrative Bulletin as **ARC 4798B**. Public comment was received on these amendments. The adopted amendments have been revised based on public comment and are different from those published under Notice of Intended Action.

The Authority adopted these amendments on February 8, 2006.

Adoption of these amendments by emergency filing will confer a benefit on the public or some segment thereof by facilitating the use by lenders in Iowa of title guaranty certificates in nonpurchase real estate transactions immediately, at a significant savings, and allowing them to avoid the use of title insurance, which is illegal in Iowa. Therefore, these amendments are adopted pursuant to Iowa Code section 17A.5(2)"b"(2). These amendments became effective upon filing with the Administrative Rules Coordinator on February 9, 2006.

These amendments are intended to implement Iowa Code sections 16.5(17), 16.91(5) and 16.91(8).

These amendments became effective February 9, 2006.

The following amendments are adopted.

ITEM 1. Amend rule **265—9.3(16)** by adding the following **new** definitions alphabetically:

"Abstract of title" or "abstract," for the purposes of the title guaranty program, means a written or electronic summary of all matters of record including, but not limited to, grants, conveyances, easements, encumbrances, wills, and judicial proceedings affecting title to a specific parcel of real estate, together with a statement including, but not limited to, all liens, judgments, taxes and special assessments affecting the property and a certification by a participating abstractor that the summary is complete and accurate; provided, however, that for purposes of issuance of a title guaranty certificate covering a nonpurchase product, and for only such purposes, the "abstract of title" or "abstract" may also mean a title guaranty report of title.

"Nonpurchase product," for the purposes of the title guaranty program, means a refinanced or junior mortgage securing an amount not more than \$500,000 for a residential property.

"Title guaranty report of title," for the purposes of the title guaranty program, means a short form of the abstract of title that is in writing or an electronic summary covering:

1. The last deed of a sales transaction for the approximate full value determined from the county records by document stamps, purchase money mortgage or other recorded evidence (not including family transactions, contract vendee deeds, gift deeds, tax deeds, probates, foreclosures, and no value or partial value transfers) provided, however, no search may cover less than ten years prior to the certification date;

2. All liens, judgments, taxes and special assessments affecting the property;

3. An update known as the postclosing title report which extends the search through the refinanced or junior mortgage including releases by addendum; and

4. Certifications by the participating abstractor that the search and its extension are complete and accurate.

"Title search(es)" or "search(es)," for the purposes of the title guaranty program, means the abstract of title.

ITEM 2. Amend subrule 9.6(4) as follows:

9.6(4) Abstract of title. For the purposes of the title guaranty program, an abstract of title shall be a written or electronic summary of all matters of record including, but not limited to, grants, conveyances, easements, encumbrances, wills, and judicial proceedings affecting title to a specific parcel of real estate, together with a statement including, but not limited to, all liens, judgments, taxes or special assessments affecting the property and a certification by a participating abstractor that the summary is complete and accurate.

a. Preparation. An abstract of title shall be brought up to date and certified by a participating abstractor prior to the issuance of a title guaranty certificate; provided, that, in the event a titleholder undertakes to refinance a mortgage or grant a junior mortgage on residential property; and a title guaranty certificate was issued for a transaction while said titleholder owned the property; and no changes in the ownership or in the legal description of the property have occurred since the above described title guaranty certificate effective date, for the purposes of the title guaranty program, a title guaranty certificate may be issued for the refinanced or junior mortgage based on the coverage and exceptions from the above described prior title guaranty certificate and a search of the public records from the effective date of the above described prior title guaranty certificate including a ten-year judgment lien search against the titleholder. For the purposes of the title guaranty program, the search and title guaranty certificate issued for refinanced and junior mortgages pursuant to this rule shall be deemed to relate back to the abstract of title and title guaranty certificate issued for the transaction while the said titleholder owned the property.

b. Compliance. All abstracts of title and searches shall be prepared and conducted in compliance with division procedures in effect at the time of the updating of the abstract or search. A participating abstractor shall retain a written or electronic copy of each abstract of title or search prepared for a title guaranty certificate and shall provide such copy to the division upon request.

[Filed Emergency After Notice 2/9/06, effective 2/9/06]

[Published 3/1/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/06.

ARC 4937B**EDUCATIONAL EXAMINERS
BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 14, "Issuance of Practitioner's Licenses and Endorsements," Iowa Administrative Code.

These amendments add a testing requirement for individuals who apply for licensure after completing a teacher education program at a non-Iowa institution. It is the intent of the amendments to meet the No Child Left Behind (NCLB) requirements by providing an option for out-of-state applicants to demonstrate an equivalent assessment similar to the multiple measures used by in-state teacher preparation programs.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2005, as **ARC 4607B**. A public hearing on the amendments was held on November 29, 2005. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code chapter 272.

These amendments will become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [14.103, 14.115, 14.120(1)] is being omitted. These amendments are identical to those published under Notice as **ARC 4607B**, IAB 11/9/05.

[Filed 2/10/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4938B**EDUCATIONAL EXAMINERS
BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 14, "Issuance of Practitioner's Licenses and Endorsements," Iowa Administrative Code.

These amendments reflect the current terminology and practice in school libraries.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2005, as **ARC 4721B**. A public hearing on the amendments was held on December 29, 2005. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code chapter 272.

These amendments will become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the

Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [14.140(8) to 14.140(10)] is being omitted. These amendments are identical to those published under Notice as **ARC 4721B**, IAB 12/7/05.

[Filed 2/10/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4921B**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455A.6 and 459.103, the Environmental Protection Commission hereby adopts amendments to Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The adopted amendments are technical corrections and additions to the list of major water sources – rivers and streams listed in Table 1 of Chapter 65. The corrections and additions provide a more consistent and accurate representation of these water sources for the state.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2005, as **ARC 4649B**.

A public hearing was held on December 1, 2005, and written comments were received. As a result of the written comments, an additional amendment has been adopted. Subrule 65.11(2) is amended to provide that the separation distance requirement regarding a newly added stream segment does not apply if any of the following occurs prior to the effective date of an addition to Table 1: if construction has already commenced for a confinement feeding operation structure that is not required to have a construction permit or a manure management plan; if a manure management plan has been submitted to the Department for a confinement feeding operation that is not required to have a construction permit; or if an application for a construction permit has been submitted to the Department. Subrule 65.11(2) now reads as follows:

"65.11(2) Separation from surface intakes, wellheads or cisterns of agricultural drainage wells, known sinkholes, water sources and major water sources shall be as specified in Iowa Code section 459.310 and summarized in Table 6 at the end of this chapter. For the required separation distance to a major water source to apply, the major water source must be included in Table 1 at the end of this chapter at the time an applicant submits an application for a construction permit to the department or at the time a manure management plan is submitted if a construction permit is not required, or at the time construction of the animal feeding operation structure begins (as defined in 65.8(1)) if a construction permit or manure management plan is not required."

These amendments are intended to implement Iowa Code section 459.310.

These amendments shall become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [65.11(2), Ch 65 Table 1] is being omitted. With the exception of the change noted above, these amend-

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ments are identical to those published under Notice as **ARC 4649B**, IAB 11/9/05.

[Filed 2/9/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4919B

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendments reflect current Board policies that permit persons that wish to voluntarily register campaign committees prior to exceeding the \$750 financial filing threshold to use the shorter "paid for by" attribution statement by filing the appropriate form.

The amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin on December 21, 2005, as **ARC 4762B**. No oral or written comments on the amendments were received. These amendments are identical to those published under Notice.

The Board adopted these amendments on February 7, 2006.

These amendments are intended to implement Iowa Code sections 68A.201 and 68A.402A.

These amendments will become effective on April 5, 2006.

The following amendments are adopted.

ITEM 1. Amend subrule **4.1(1)**, paragraph "**a**," by adding **new** subparagraph **(4)** as follows:

(4) A person that wishes to register a committee for purposes of using the short form "paid for by" attribution statement shall file Form DR-SFA pursuant to rule 351—4.11(68A).

ITEM 2. Rescind rule 351—4.11(68A,68B) and adopt the following **new** rule in lieu thereof:

351—4.11(68A) Voluntary registration.

4.11(1) Persons voluntarily registering a committee. A person that has not exceeded the \$750 financial filing threshold may file Form DR-SFA for purposes of using the short form "paid for by" attribution under Iowa Code section 68A.405 and rule 351—4.38(68A).

4.11(2) \$750 threshold later exceeded. A person filing Form DR-SFA shall not be required to file a statement of organization or be required to file disclosure reports unless the \$750 threshold is later exceeded. A person that later exceeds the \$750 threshold and that fails to timely file a statement of organization or to timely file disclosure reports may be subject to board sanctions.

This rule is intended to implement Iowa Code sections 68A.201 and 68A.402A.

[Filed 2/8/06, effective 4/5/06]
[Published 3/1/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/06.

ARC 4918B

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendment reflects current Board policy concerning the ability of a person to remedy the failure to include on political materials a full and accurate "paid for by" attribution statement by resending corrected political material to the same portion of the public that received the original political material and by filing a copy of the corrected material with the Board.

The amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin on December 21, 2005, as **ARC 4768B**. No oral or written comments on the amendment were received. The amendment is identical to that published under Notice.

The Board adopted this amendment on February 7, 2006.

This amendment is intended to implement Iowa Code Supplement sections 68A.405 and 68B.32A(8).

This amendment will become effective on April 5, 2006.

The following amendment is adopted.

Amend subrule 4.41(1) as follows:

4.41(1) Administrative resolution. In an effort to informally resolve apparent violations of the requirement to place a "paid for by" attribution statement, the board may order administrative resolution of the matter. The board may direct the person responsible for placing the original political advertising or political material that did not include the attribution statement to place a correction advertisement in a local newspaper that reaches the same or substantially the same portion of the public that received the original political advertising or political material. The correction advertisement shall not be placed in the classified section. *A person may also resolve a violation of the "paid for by" attribution statement by resending corrected political material to the same portion of the public that received the original political material and by filing a copy of the corrected material with the board.*

[Filed 2/8/06, effective 4/5/06]
[Published 3/1/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/06.

ARC 4920B**ETHICS AND CAMPAIGN
DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 6, "Executive Branch Ethics," Iowa Administrative Code.

The amendment reflects the legislative mandate that directs the Iowa Ethics and Campaign Disclosure Board to adopt a rule establishing a procedure for officials of a regulatory agency to obtain consent when selling goods or services to a person subject to the regulatory authority of the agency.

The amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin on December 21, 2005, as **ARC 4767B**. No oral or written comments on the amendment were received. The amendment is identical to that published under Notice.

The Board adopted this amendment on February 7, 2006.

This amendment is intended to implement Iowa Code Supplement section 68B.4.

This amendment will become effective on April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [6.11] is being omitted. This amendment is identical to that published under Notice as **ARC 4767B**, IAB 12/21/05.

[Filed 2/8/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4934B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 234.6 and 2005 Iowa Acts, chapter 175, section 12, the Department of Human Services amends Chapter 51, "Eligibility," and Chapter 52, "Payment," Iowa Administrative Code.

These amendments implement the annual adjustments to eligibility and payment levels in the State Supplementary Assistance Program necessary to meet the federal pass-along requirements specified in Title XVI of the Social Security Act. Iowa uses the payment levels method of compliance, which requires the state to increase the payment amounts and income limits for State Supplementary Assistance categories effective January 1 of each year as necessary to meet the minimum levels required by the federal government. The minimum levels are indexed by the cost-of-living increase in federal Social Security and Supplemental Security Income (SSI) benefits, which is 4.1 percent for calendar year 2006.

Changes necessary to meet federal pass-along requirements are as follows:

- Increasing the income limit and payment standard for dependent relatives from \$293 per month to \$306.
- Increasing the dependent relative income limits by \$37 per month for an eligible individual (from \$872 to \$909) and \$48 per month for an eligible couple (from \$1162 to \$1210).
- Increasing the family-life home income limit by \$24 per month, from \$741 to \$765.
- Increasing the maximum family-life home payment by \$21 per month, from \$652 to \$673.
- Increasing the maximum residential care per diem rate from \$25.07 to \$25.85.

State legislation also requires the Department to increase the personal needs allowance for residents of residential care facilities at the same percentage and at the same time as federal Social Security and SSI benefits are increased. Therefore, these amendments also increase the residential care facility and family-life home personal needs allowance by \$3 per month, from \$89 to \$92.

These amendments do not provide for waivers in specified situations because they benefit the people affected by increasing payment levels and personal allowances. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4802B**. Notice of Intended Action to solicit comment on the amendments was published on the same date as **ARC 4801B**. The Department received no comments on these amendments. These amendments are identical to those Adopted and Filed Emergency and published in the Notice of Intended Action.

The Council on Human Services adopted these amendments on February 8, 2006.

These amendments are intended to implement Iowa Code chapter 249 and 2005 Iowa Acts, chapter 175, section 12.

These amendments shall become effective April 5, 2006, at which time the Adopted and Filed Emergency amendments are rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [51.4(1), 51.7, 52.1(1) to 52.1(3)] is being omitted. These amendments are identical to those published under Notice as **ARC 4801B** and Adopted and Filed Emergency as **ARC 4802B**, IAB 1/4/06.

[Filed 2/10/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4935B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4 and 2005 Iowa Acts, chapter 175, section 6, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments update the methodology used in determining the Medicaid eligibility and financial participation of a married person residing in a medical institution whose spouse does not live in an institution (i.e., lives in the community). Changes are as follows:

- The maximum amount of the couple's resources that may be attributed to the spouse in the community is increased from \$95,100 to \$99,540. This change affects the amount of resources counted when determining a married applicant's financial eligibility.
- The maintenance needs allowance for the community spouse is increased from \$2,377.50 per month to \$2,488.50 per month. This change affects the amount of the Medicaid member's income that is considered available to contribute toward the cost of care in the medical facility. Current rules set Iowa's maintenance needs allowance at the federal upper limit, indexed for inflation.

The Medicare Catastrophic Coverage Act requires an annual update of these figures based on the consumer price index. The Department has received notice of these increases from the U.S. Department of Health and Human Services.

These changes lower the amount of income and resources that are countable for the spouse in the medical institution. Procedures for appealing the attribution of resources when the community spouse's resource allowance is inadequate to raise the community spouse's income to the minimum monthly maintenance allowance are included in the rule at 441 IAC 75.5(3)"f."

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4804B**. Notice of Intended Action to solicit comment on these amendments was published on the same date as **ARC 4803B**. The Department received no comments on these amendments. These amendments are identical to those Adopted and Filed Emergency and published in the Notice of Intended Action.

The Council on Human Services adopted these amendments on February 8, 2006.

These amendments are intended to implement Iowa Code section 249A.3.

These amendments shall become effective April 5, 2006, at which time the Adopted and Filed Emergency amendments are rescinded.

The following amendments are adopted.

ITEM 1. Amend paragraph **75.5(3)"d,"** introductory paragraph, as follows:

d. Method of attribution. The resources attributed to the institutionalized spouse shall be one-half of the documented resources of both the institutionalized and community spouse as of the first moment of the first day of the month of the spouse's first entry to a medical facility. However, if one-half of the resources is less than \$24,000, then \$24,000 shall be protected for the community spouse. Also, when one-half of the resources attributed to the community spouse exceeds ~~\$95,100~~ \$99,540, the amount over ~~\$95,100~~ \$99,540 shall be attributed to the institutionalized spouse. (The maximum limit shall be indexed annually ~~by~~ according to the consumer price index.)

ITEM 2. Amend subparagraph **75.16(2)"d"(3),** introductory paragraph and first unnumbered paragraph, as follows:

(3) Needs of spouse. The maintenance needs of the spouse shall be determined by subtracting the spouse's gross income from ~~\$2,377.50~~ \$2,488.50. (This amount shall be in-

dexed for inflation annually according to the consumer price index.)

However, if either spouse established through the appeal process that the community spouse needs income above ~~\$2,377.50~~ \$2,488.50, due to exceptional circumstances resulting in significant financial duress, an amount adequate to provide additional income as is necessary shall be substituted.

[Filed 2/10/06, effective 4/5/06]

[Published 3/1/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/06.

ARC 4941B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 514B.23, the Insurance Division hereby amends Chapter 40, "Health Maintenance Organizations," Iowa Administrative Code.

The amendment authorizes the electronic delivery of accident and health group insurance certificates in an efficient manner by health maintenance organizations, while guaranteeing that individual plan members still receive the important information contained in such group insurance certificates, as required by Iowa Code section 514B.9 and as allowed by the Uniform Electronic Transactions Act, Iowa Code chapter 554D.

This chapter does not provide for waivers. Persons seeking waivers must petition the Division for a waiver in the manner set forth under 191—Chapter 4.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4778B**. A public hearing was held on January 25, 2006. No comments were received regarding the amendment. The adopted amendment is identical to that published under Notice of Intended Action.

The amendment shall become effective on April 5, 2006.

This amendment is intended to implement Iowa Code section 514B.23.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [40.25] is being omitted. This amendment is identical to that published under Notice as **ARC 4778B**, IAB 1/4/06.

[Filed 2/10/06, effective 4/5/06]

[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4942B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 10, "General

LABOR SERVICES DIVISION[875](cont'd)

Industry Safety and Health Rules,” Iowa Administrative Code.

This amendment adopts by reference changes to federal occupational safety and health regulations. The changes delete language referring to various national consensus standards and industry standards that are outdated, and adopt an alternative fit-testing protocol for employers with respiratory protection programs.

The principal reasons for adoption of this amendment are to implement Iowa Code chapter 88, to protect the safety and health of Iowa’s workers, and to make Iowa’s occupational safety and health regulations more current and consistent with federal regulations.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 4774B** on December 21, 2005. The adopted amendment is identical to that published under Notice.

This amendment will become effective April 5, 2006.

This amendment is intended to implement Iowa Code section 88.5.

The following amendment is adopted.

Amend rule **875—10.20(88)** by inserting the following at the end thereof:

69 Fed. Reg. 46993 (August 4, 2004)

70 Fed. Reg. 53929 (September 13, 2005)

[Filed 2/10/06, effective 4/5/06]

[Published 3/1/06]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/06.

ARC 4944B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 89A.3(1), the Elevator Safety Board hereby amends Chapter 71, “Administration,” Chapter 72, “New Installations,” Chapter 73, “Existing Facilities,” and Chapter 76, “Permits,” Iowa Administrative Code.

The amendments adopt by reference the latest versions of national safety standards, amend the requirement relating to the posting of operating permits, and remove an exception for certain maintenance inspections on platform lifts with roped hydraulic pistons.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 4779B** on January 4, 2006. The adopted amendments are identical to those published under Notice. These amendments were approved during the February 8, 2006, meeting of the Elevator Safety Board.

The principal reasons for adoption of these amendments are to make Iowa’s standards current; to enhance safety of elevator riders, inspectors and mechanics; and to implement legislative intent.

These amendments do not contain a waiver provision because variances may be sought through the Elevator Safety Board.

These amendments are intended to implement Iowa Code chapter 89A.

These amendments will become effective April 5, 2006.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [71.2(2)“c,” 72.1(5), 72.1(6), 73.8, 76.4(1), 76.7] is being omitted. These amendments are identical to those published under Notice as **ARC 4779B**, IAB 1/4/06.

[Filed 2/10/06, effective 4/5/06]

[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4924B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. The amendments require that nonresidents who purchase an any-deer license also purchase an antlerless-only deer license and redefine “antlerless deer” to correspond to the rule for resident deer hunters.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2005, as **ARC 4715B**. The only comment received supported banning firearms from road ditches during the deer seasons and requested that all nonresident antlerless licenses be issued for the January antlerless season and that nonresident any-deer licenses be issued by county.

A public hearing was held on January 4, 2006. The only participant was fully in support of the Notice as written.

The following are changes from the Notice:

In Item 3, subrule 94.7(3) is rescinded and the following new subrule is adopted:

“**94.7(3)** Muzzleloader seasons. During the muzzleloader season, deer may be taken with a muzzleloader, handgun, or bow as described in 94.7(1). Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. Legal handgun calibers are listed on the department of natural resources list of “acceptable handgun calibers for hunting deer in Iowa.” Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only.”

The amendment to subrule 94.7(5), proposed in Item 3 of the Notice, was not adopted. This action leaves the ban on shooting firearms from the road ditch during the shotgun deer seasons in effect only north of U.S. Highway 30.

NATURAL RESOURCE COMMISSION[571](cont'd)

Language in subrule 94.8(1) was clarified and the subrule now reads as follows:

“94.8(1) Any-deer licenses. Applications for any-deer and mandatory antlerless-only licenses will be accepted from the first Saturday in May through the first Sunday in June. No one may submit more than one application during the application period. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing. If applications have been sold in excess of the license quota for any zone or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees and telephone order charges will not be refunded. If any zone's license quota for any-deer and mandatory antlerless-only licenses has not been filled, the excess any-deer and mandatory antlerless-only licenses will be sold on a first-come, first-served basis through the telephone ordering system or the Internet license sales Web site. Excess any-deer and mandatory antlerless-only licenses will be sold beginning the fourth Saturday after the close of the application period until the quota has been filled or the last day of the hunting period for which the license is valid, whichever occurs first. Members of a group that is rejected may purchase licenses individually if excess any-deer and mandatory antlerless-only licenses or optional antlerless-only licenses are available.”

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments shall become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [94.1, 94.6, 94.7(3), 94.8] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 4715B**, IAB 12/7/05.

[Filed 2/9/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4923B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby rescinds Chapter 114, “Nuisance Wildlife Control,” Iowa Administrative Code, and adopts new Chapter 114 with the same title.

Chapter 114 explains provisions for allowing private individuals to handle nuisance wildlife complaints. The new chapter adds rules to permit private individuals, organizations, businesses, and public agencies to engage in lethal control practices and trap and translocation programs to control injurious or overabundant Canada geese.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2005, as **ARC 4716B**. A public hearing was held on January 4, 2006. No one attended the public hearing. Only one public comment was re-

ceived. Innolytics, LLC requested adding the authority to use a contraceptive feed additive as a method of controlling goose reproduction. The only change from the Notice of Intended Action has been made in rule 571—114.2(456A) in the definition of “nuisance wildlife” to clarify that nuisance wildlife are under the jurisdiction of the Department of Natural Resources.

The definition of “nuisance wildlife” now reads as follows:

“‘Nuisance wildlife’ means wild, native animals or birds under the jurisdiction of the department of natural resources that are causing damage to private property, creating a nuisance, or presenting a health hazard.”

This amendment is intended to implement Iowa Code sections 456A.24(8), 481A.38, 481A.39 and 481A.48.

This amendment shall become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 114] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 4716B**, IAB 12/7/05.

[Filed 2/9/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4912B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Barber Examiners hereby adopts amendments to Chapter 21, “Licensure of Barbers,” Chapter 25, “Discipline for Barbers, Barber Instructors, Barbershops and Barber Schools,” and Chapter 26, “Fees,” Iowa Administrative Code.

These amendments rescind rule 645—26.1(147,158) and adopt a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and provide other services for licensees, such as on-line renewals. The Board prenoticed these amendments to provide licensees and the public an opportunity to comment on the proposed amendments. The Board did not receive any comments during the prenotice period. In addition, the amendments to Chapters 21 and 25 remove references to a lapsed license and provide a barber whose license had been on inactive status the opportunity to reactivate the license without retaking the examination.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 23, 2005, as **ARC 4670B**. A public hearing was held on December 13, 2005, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code chapters 21, 147, 158 and 272C.

These amendments were adopted by the Board of Barber Examiners on January 31, 2006.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

These amendments will become effective April 5, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [21.16(3), 25.2(26), 26.1] is being omitted. These amendments are identical to those published under Notice as **ARC 4670B**, IAB 11/23/05.

[Filed 2/1/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4932B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Behavioral Science Examiners hereby amends Chapter 31, "Licensure of Marital and Family Therapists and Mental Health Counselors," Iowa Administrative Code.

The amendment sets forth licensee record-keeping procedures.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4781B**. A public hearing was held on January 24, 2006, from 8:30 to 9 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board made one change. The word "original" has been added before "notations" in 31.12(6), paragraph "a." The Board had originally intended to include this change in the noticed rule.

Subrule 31.12(6), paragraph "a," now reads as follows:

"a. Hard-copy records. Original notations shall be legible, written in ink, and contain no erasures or whiteouts. If incorrect information is placed in the original record, it must be crossed out with a single, nondeleting line and be initialed and dated by the licensee."

This amendment was adopted by the Board of Behavioral Science Examiners on February 10, 2006.

This amendment will become effective April 5, 2006.

This amendment is intended to implement Iowa Code chapters 21, 147, 154D and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this rule [31.12] is being omitted. With the exception of the change noted above, this rule is identical to that published under Notice as **ARC 4781B**, IAB 1/4/06.

[Filed 2/10/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4931B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Behavioral Science Examiners amends Chapter 33, "Discipline for Marital and Family Therapists and Mental Health Counselors," Iowa Administrative Code.

The amendment provides the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4783B**. A public hearing was held on January 24, 2006, from 8:30 to 9 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. However, the Assistant Attorney General commented that the wording of the last sentence of subrule 33.5(3) needed to be clarified and that the Iowa Code reference in subrule 33.5(4) needed to be corrected. The Board approved these changes.

Subrules 33.5(3) and 33.5(4) now read as follows:

"**33.5(3)** Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

"**33.5(4)** Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1)."

This amendment was adopted by the Board of Behavioral Science Examiners on February 10, 2006.

This amendment will become effective April 5, 2006.

This amendment is intended to implement Iowa Code chapters 21, 147, 154D and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this rule [33.5] is being omitted. With the exception of the changes noted above, this rule is identical to that published under Notice as **ARC 4783B**, IAB 1/4/06.

[Filed 2/10/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4910B
PROFESSIONAL LICENSURE
DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners amends Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," Chapter 63, "Sanitation for Salons and Schools of Cosmetology Arts and Sciences," and Chapter 65, "Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools," Iowa Administrative Code.

The amendments remove the requirement to take a separate examination covering Iowa law except in cases of reactivation, clarify the date that continuing education in the area of each procedure or device for which the licensee has received Board certification is required, address salon change of ownership requirements, define salon and school display of licensure documents, define salon owner and independent contractor responsibilities, and define whirlpool spa sanitation procedure requirements and other salon sanitation requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2005, as **ARC 4704B**. A public hearing was held on January 3, 2006, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. Comments were received that indicated that time frames needed to be added in 60.7(157), numbered paragraph "4," because the national examination would not be changed until April 21, 2006; proposed rule language regarding independent contractor duties in subrule 63.4(3) needed to be clarified; clarification was needed in subrule 63.25(4) regarding "bleach"; and the proposed amendments to paragraph 64.3(2)"h," subparagraphs (2) and (5), needed to be clarified. The Board made the following changes in response to public comment:

In rule 60.7(157), numbered paragraph "4," now reads as follows:

"4. Prior to April 21, 2006, passes the Iowa law (jurisprudence) examination with a passing score of 75 percent or greater. After April 20, 2006, passes the national examination with a passing score of 75 percent or greater."

Subrule 63.4(3) now reads as follows:

"**63.4(3)** Independent contractors are responsible:

- "a. For their own permanently assigned station areas;
- "b. For common areas on an equal basis;
- "c. For holding a current and valid license issued by the board or the board of barber examiners; and
- "d. For ensuring that they do not exceed their scope of practice."

Subrule 63.25(4) now reads as follows:

"**63.25(4)** Every other week (biweekly), after cleaning and disinfecting as provided in subrule 63.25(3), each whirlpool foot spa shall be cleaned and disinfected in the following manner:

- "a. The spa basin shall be filled completely with water and one teaspoon of 5.25 percent bleach or recommended whirlpool disinfectant for each one gallon of water, or a solution of sodium hypochlorite (bleach) of approximately 50 ppm used according to the manufacturer's instructions.

"b. The spa system shall be flushed with the bleach or recommended whirlpool disinfectant and water solution, or sodium hypochlorite (bleach) solution, for five to ten minutes and allowed to sit for six to ten hours.

"c. The spa system shall be drained and flushed with water before use for a patron."

The Board decided that additional research and discussion specific to the proposed amendments to paragraph 64.3(2)"h," subparagraphs (2) and (5), need to occur, so those amendments were not adopted.

The amendments were adopted by the Board of Cosmetology Arts and Sciences Examiners on February 1, 2006.

These amendments will become effective April 5, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 157 and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [60.2, 60.7, 61.2(6), 61.5(2), 61.7(1), 61.10 to 61.24, 63.3, 63.11, 63.12(1), 63.13, 63.16, 63.18, 63.22(2), 63.25, 65.2(36)] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 4704B**, IAB 12/7/05.

[Filed 2/1/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4911B

PROFESSIONAL LICENSURE
DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby amends Chapter 65, "Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools," Iowa Administrative Code.

The amendment provides the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 23, 2005, as **ARC 4684B**. A public hearing was held on December 23, 2005, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. However, the Assistant Attorney General commented that the wording of the last sentence of subrule 65.6(3) needed to be clarified and that the Iowa Code reference in subrule 65.6(4) needed to be corrected. The Board approved these changes.

Subrules 65.6(3) and 65.6(4) now read as follows:

"**65.6(3)** Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

"65.6(4) Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1)."

The amendment was adopted by the Board of Cosmetology Arts and Sciences Examiners on February 1, 2006.

This amendment will become effective April 5, 2006.

This amendment is intended to implement Iowa Code chapters 21, 147, 157 and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this rule [65.6] is being omitted. With the exception of the changes noted above, this rule is identical to that published under Notice as **ARC 4684B**, IAB 11/23/05.

[Filed 2/1/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

ARC 4917B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners hereby amends Chapter 240, "Licensure of Psychologists," and Chapter 242, "Discipline for Psychologists," Iowa Administrative Code.

The amendments clarify that there are two examinations that the applicant must pass for licensure and provide the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2005, as **ARC 4699B**.

A public hearing was held on January 3, 2006, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. However, the Assistant Attorney General commented that the wording of the last sentence of subrule 242.5(3) needed to be clarified and that the Iowa Code reference in subrule 242.5(4) needed to be corrected. The Board approved these changes.

Subrules 242.5(3) and 242.5(4) now read as follows:

"242.5(3) Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

"242.5(4) Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1)."

The amendments were adopted by the Board of Psychology Examiners on February 3, 2006.

These amendments will become effective April 5, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 154B and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [240.2(1)"e," 242.5] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 4699B**, IAB 12/7/05.

[Filed 2/3/06, effective 4/5/06]
[Published 3/1/06]

[For replacement pages for IAC, see IAC Supplement 3/1/06.]

IOWA ADMINISTRATIVE BULLETIN
Customer Service Center
Department of Administrative Services
Hoover State Office Building, Level A
Des Moines, Iowa 50319

PRSRT STD
U.S. Postage
PAID
Des Moines, Iowa
Permit No. 1195
